FEDERAL REGISTER

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Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Coast Guard
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fiscal Service
Food and Drug Administration
Foreign Assets Control Office
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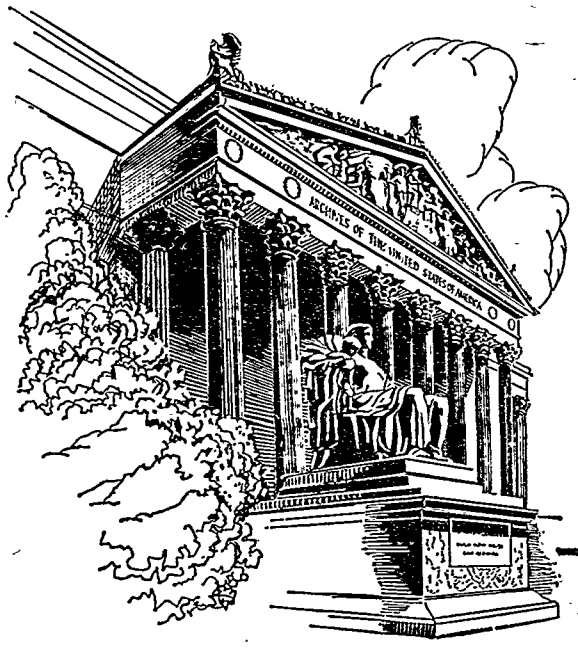

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[Airspace Docket No. 67–CE–106]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On October 12, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 14158) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V–4 from Hill City, Kans., to Salina, Kans., including a south alternate via Hays, Kans.; realign V–244 from Lamar, Colo., to Salina via Hays; and designate Hays as a low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were given due consideration. The city of Russell, Kans., objected to the relocation of the VOR from Russell to Hays.

Action to relocate the VOR from Russell to Hays was considered in accordance with nonrule-making procedures as Airspace Case No. 65–CE–53NR. Interested persons were afforded an opportunity to present such views or arguments they deemed desirable. All comments were given due consideration prior to the determination to relocate the VOR. Accordingly, the objection of the city of Russell, directed toward relocation of the VOR, is not considered herein. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 29, 1969, as hereinafter set forth.

1. § 71.123 (33 F.R. 2009, 4335, 17624) is amended as follows:

a. In V–4 "12 AGL Russell, Kans.; 12 AGL Salina, Kans.;" is deleted and "12 AGL INT Hill City 097° and Salina, Kans., 284° radials; 12 AGL Salina, including a 12 AGL S alternate via Hays, Kans.;" is substituted therefor.

b. In V–244 all after "12 AGL Lamar, Colo.;" is deleted and "20 miles 12 AGL, 56 miles 65 MSL, 60 miles 85 MSL, 12 AGL Hays, Kans.; 12 AGL Salina, Kans. The airspace within R–2531 is excluded." is substituted therefor.

2. In § 71.203 (33 F.R. 2280) the following is added: Hays, Kans.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 28, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–1454; Filed, Feb. 4, 1969; 8:46 a.m.]

[Airspace Docket 68–EA–52]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On July 23, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 10460) stating the Federal Aviation Administration (FAA) was considering amendments to Part 75 of the Federal Aviation Regulations which would alter several jet routes in the northeast portion of the United States. This notice of proposed rule making included proposed alterations to Jet Route Nos. 48, 60, and 78 which were dependent upon a change to the frequency of the Solberg, N.J., VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

On November 28, 1968, amendments to Part 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (33 F.R. 17768) which incorporated most of the proposals published as a notice of proposed rule making on July 23, 1968. It was stated that the proposed alterations to Jet Route Nos. 48, 60, and 78 would be deferred until a frequency change of the Solberg VORTAC scheduled for January 10, 1969, had been accomplished.

It has now been determined that the Solberg frequency will not be changed and the Solberg VORTAC will not be used in the high altitude structure. Therefore, the existing alignment of Jet Route Nos. 60 and 78 will remain unchanged.

It has been further determined that Jet Route No. 48 can be extended between Putnam, Conn., and Westminster, Md., via direct radials without using Solberg. Such alignment will be within 2 miles of the previously proposed alignment from Putnam via Solberg to Westminster.

Since the direct alignment between Putnam and Westminster is essentially the same as alignment via Solberg as proposed in the notice, this change is made in compliance with 5 U.S.C. 553.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 6, 1969, as hereinafter set forth.

In § 75.100 (33 F.R. 2349) Jet Route No. 48 is rewritten as follows:

Jet Route No. 48 (From Pulaski, Va., to Boston, Mass.).

From Pulaski, Va., via Westminster, Md.; Putnam, Conn.; to Boston, Mass.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 30, 1969.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 69–1462; Filed, Feb. 4, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69–45]

PART I—GENERAL PROVISIONS

Ports of Entry; Jacksonville, Fla.

JANUARY 28, 1969.

The boundaries of the Port of Jacksonville in the Tampa, Fla., district (Region IV), as described in Treasury Decision 54476, include the area within the corporate limits of Jacksonville, Fla., as they existed at the time the Treasury Decision was issued and certain other territory in Duval County, Fla.

The corporate limits of the city of Jacksonville, Fla., were extended effective October 1, 1968, to include all of the area of Duval County, Fla., by act of the Florida legislature which was submitted to referendum and approved on August 8, 1967.

To provide uniform service to the extended area of the city of Jacksonville, Fla., it is considered desirable to extend the boundaries of the Port of Jacksonville, Fla., to include all the territory within the boundaries of Duval County, Fla.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given me by Treasury Department Order No. 190, Rev. 5 (33 F.R. 5811), the geographical limits of the customs port of Jacksonville, Fla., in the Tampa, Fla., customs district (Region IV), are extended to include all the territory within the boundaries of Duval County, in the State of Florida.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including territory described in T.D. 54476)" and

inserting "(T.D. 69-45)" after "Jacksonville" in the column headed "Ports of Entry" in the Tampa, Fla., district (Region IV).

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C 1, 2, 66, 1624)

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[FR. Doc. 69-1488; Filed, Feb. 4, 1969; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 139—MIXED CLASSES

I. § 139.5 is revised to show that third-class combination mailing pieces may also be sent special handling.

§ 139.5 Special services.

Combination mailing pieces may be sent as special delivery or in the case of third- or fourth-class parcels as special handling, and only one fee applicable to the parcel is required. Combination pieces may not be registered. They may be sent insured or COD, the insurance to cover only the value of the parcel.

NOTE: The corresponding Postal Manual section is 139.5.

PART 157—FORWARDING MAIL

II. In § 157.3 paragraph (b) (6) is revised to clarify the procedures for forwarding undeliverable priority mail (heavy pieces); and paragraph (b) (1) is amended for clarification purposes.

§ 157.3 Postage for forwarding.

* * * * *

(b) *Change to another post office.* * * *

(1) *First-class mail.* No charge is made for forwarding first-class mail weighing not more than 13 ounces including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail weighing not more than 13 ounces that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery. See subparagraph (6) of this paragraph for mail weighing over 13 ounces.

* * * * *

(6) *Airmail.* No additional charge is made for forwarding airmail articles weighing 7 ounces or less. These articles are sent by air when air service to the new address is available. Priority mail (heavy pieces) which includes all mail weighing over 7 ounces, with postage prepaid thereon at the rates provided by § 136.1 (b) of this chapter, is forwarded by air and additional postage at the applicable rate in § 136.1 (b) between the forwarding and the delivery office will be collected on delivery.

* * * * *

NOTE: The corresponding Postal Manual sections are 157.32 a and f.

PART 171—MONEY ORDERS

III. In § 171.1 subdivision (i) of paragraph (g) (1) is revised to clarify the charging of fees on replacement of spoiled money orders, and also to include instructions on the correction of COD money orders.

§ 171.1 Issuance of domestic money orders.

* * * * *

(g) *Spoiled or lost money orders.* (1) *Spoiled when being issued.* (i) *Issuance of new order.* The purchaser must make sure that the money order received agrees with the amount requested. When a money order is returned for correction after it has been issued and made a matter of record, a new one will be issued:

(*a*) If the post office was at fault, no fee will be charged the purchaser for the new money order. When, due to post office error, a money order is returned by the purchaser after the date of purchase, deposit the amount of the erroneous order, as shown in the accountability, and collect the fee for the replacement order from the employee who made the error.

(*b*) If the purchaser spoils an order in completing it and returns it to the post office on the day of issue, no charge will be made for a new one; after the day of issue, he must pay a new fee for the replacement order. The purchaser's receipt for all spoiled orders "Must" be recovered.

(*c*) When a COD money order, issued in one accounting period for the correct amount but showing the wrong payee, is returned in a subsequent accounting period, the issuing office will send a completed Form 6401, Inquiry as to Payment of Money Order, with the incorrect money order and a letter of explanation, to the Money Order Division, General Accounting Office Building, Washington, D.C. 20260. A duplicate money order will be issued, without charge, to the proper payee.

* * * * *

NOTE: The corresponding Postal Manual section is 171.171a.

IV. § 171.5 is revised to show that money orders are destroyed 2 years after payment, and that photostats cannot thereafter be furnished.

§ 171.5 Requests for photostats of paid money orders.

A photostat of a paid money order will be furnished to the purchaser, payee or endorsee by the Money Order Division upon payment of a charge of 30 cents. Form 6065, Request for Photo Copy of Money Order, shall be completed to show the name and address of the person or firm applying for the photostat. The photostat will be mailed directly to the applicant. The charge for the photostat shall be accounted for by affixing and canceling 30 cents in postage stamps on the back of Form 6065 to the left of the Money Order Division address. Money orders are destroyed 2 years after payment, and photostats cannot thereafter be furnished.

NOTE: The corresponding Postal Manual section is 171.5.

(5 U.S.C. 301, 39 U.S.C. 501, 4102, 4105, 5101-5104)

HARVEY H. HANNAH,
Acting General Counsel.

JANUARY 31, 1969.

[F.R. Doc. 69-1463; Filed, Feb. 4, 1969; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-39]

PART 19—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

MISUSE OF INFORMATION

The Commission having under consideration Part 19 of its Rules and Regulations, Employee Responsibilities and Conduct, and Part 735 of the amended Civil Service Commission Regulations on Employee Responsibilities and Conduct;

It is ordered, Under the authority of the Communications Act, as amended, pursuant to Executive Order No. 11222, dated May 8, 1965, and in accordance with the requirements of Part 735 of the Civil Service Regulations issued on October 1, 1965, and amended on June 9, 1967, and in accordance with Administrative Order No. 10, dated February 15, 1966, that § 19.735-206 of Chapter I of the Code of Federal Regulations is amended as follows:

§ 19.735-206 Misuse of information.

Except as provided in § 19.735-203(c), or as authorized by the Commission, an employee shall not, directly or indirectly, disclose to any person outside the Commission any information, or any portion of the contents of any document, which is part of the Commission's records or which is obtained through or in connection with his Government employment, and which is not routinely available to the public and, with the same exceptions, shall not use any such documents or information except in the conduct of his official duties. Conduct intended to be prohibited by this section includes, but is not limited to, the disclosure of information about the content of or scheduling of agenda items or

other staff papers to persons outside the Commission, and disclosure of actions or decisions by the Commission prior to the public release of such information.

This amendment was approved by Civil Service Commission on January 27, 1969, and is effective on February 5, 1969.

(E.O. 11222 of May 8, 1965, and 5 CFR Part 735)

Adopted: January 15, 1969.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-1465; Filed, Feb. 4, 1969; 8:47 a.m.]

[Docket No. 17975; FCC 69-65]

PART 67—JURISDICTIONAL SEPARATIONS

Charges for Interstate and Foreign Communications Services

Report and order. In the matter of prescription of procedures for separating and allocating plant investment, operating expenses, taxes, and reserves between the intrastate and interstate operations of telephone companies, Docket No. 17975.

1. This proceeding is an outgrowth of the General Investigation (Docket No. 16258) into the lawfulness of the charges of the Bell System companies for interstate and foreign communications services and other related matters. That proceeding was instituted by our order of October 27, 1965. As part of that proceeding we considered the propriety of the principles and procedures set forth in the NARUC-FCC Separations Manual for separating the Bell System's plant, expenses, taxes, and reserves between its interstate and intrastate operations. We also considered proposals for revisions of the principles and procedures advanced by the Bell System and other parties. On July 5, 1967, the Commission issued its Interim Decision and Order in Docket No. 16258 in which it accepted and prescribed the Separations Manual's methods as appropriate with the exception of the methods applicable to the allocation of subscriber plant. At the same time, the Commission rejected the various proposals for revisions to the manual and adopted new principles and procedures for the separation of subscriber plant. A detailed discussion of the background of the jurisdictional separations problem, as well as the rationale for various methods of separations, are contained in paragraphs 240 through 322 of our July 5, 1967, interim decision and order and are incorporated herein by reference.

2. In response to various petitions for reconsideration, the Commission, on September 14, 1967, released its memorandum opinion and order on reconsideration by which it stayed the effect of its prescribed plan and reconstituted the so-called Technical Experts Group[1] to consider "improvements or refinements" which might be made in the prescribed plan. This Technical Experts Group considered the Commission's prescribed plan, a new plan proposed by the Bell System, and various suggested modifications of the latter. The participants could not agree on the acceptability of any one plan. A report dated November 15, 1967, was filed which set out the different positions of the parties.

3. On January 24, 1968, the Commission adopted a further memorandum opinion and order in Docket No. 16258 in which the separations methods prescribed by its July 5, 1967, interim decision were reaffirmed and made final for the purpose of determining the Bell System's interstate revenue requirements in Docket No. 16258. At the same time, the Commission noted certain questions raised in the Technical Experts Group's Report with respect to the Commission's plan. We also took cognizance of the policy of this Commission to cooperate with the telephone industry and the National Association of Regulatory Utility Commissioners (NARUC) in the development of separations methods and, in particular, the special interests of the State commissions in the matter of jurisdictional separations. In order to give full consideration to the views held by those affected by the prescription of procedures for jurisdictional separations and to evaluate any alternate plans together with the Commission's plan, the Commission adopted on the same date the notice of proposed rule making instituting this separate proceeding for the purpose of prescribing separations procedures for the future.

4. Comments of interested parties in response to the notice of proposed rule making were due on February 26, 1968, and reply comments were due on or before March 12, 1968. These dates were extended to March 12 and March 27, 1968, respectively, in our order of February 13, 1968, in response to a request of the NARUC.

5. Timely comments have been filed by the Bell System; the Independent Telephone Group (consisting of United States Independent Telephone Association, GT&E Service Corp., United Utilities, Inc., and the National Telephone Cooperative Association); The Western Union Telegraph Co.; the National Association of Regulatory Utility Commissioners; the Networks (consisting of American Broadcasting Cos., Inc., Columbia Broadcasting System, Inc., and National Broadcasting Co., Inc.); General Services Administration for the Executive Agencies of the United States; California Public Utilities Commission; District of Columbia Public Service Commission; Iowa State Commerce Commission; Kansas State Corporation Commission; Montana Railroad Commission; New Jersey Board of Public Utilities Commissioners; North Carolina Utilities Commission; West Virginia Public Service Commission; Wisconsin Public Service Commission, and cities of Los Angeles, San Francisco, and San Diego. Reply comments have been filed by the Bell System; the Independent Telephone Group; The Western Union Telegraph Co.; the Networks; California Public Utilities Commission; and District of Columbia Public Service Commission.

[1] The Technical Experts Group was formed by direction of the Telephone Committee at a prehearing conference on July 11, 1966, in Docket No. 16258 for the purpose of endeavoring to narrow the issues and devising other means of expediting consideration of separations, pursuant to the Commission's memorandum opinion and order issued Apr. 11, 1966. It consisted of representatives of all parties who submitted separations proposals pursuant to the Telephone Committee's order issued Apr. 22, 1966, and members of the Commission's staff.

INTEREXCHANGE PLANT

6. Historically, two methods have been used for the separations of interexchange circuit plant to determine the allocation of the cost of this plant between State and interstate jurisdictions. The first plan was contained in the 1947 edition of the Separations Manual and remained in effect until 1956 as a method for the allocation of the interexchange circuit plant. Under the 1947 plan the book cost of the circuits used wholly for a single service was assigned directly to that service. The book cost of circuits used jointly for both services was allocated between services on the basis of relative use measured by the conversation-minute-miles of traffic for each service using the facilities jointly.

7. In July, 1956, the Modified Phoenix Plan was introduced as the method for the separations of Bell's interexchange circuit plant and is currently in use. The Modified Phoenix Plan procedures apply to the allocation of the book costs of interexchange circuit plant of the Associated Companies of the Bell System used primarily for message toll service. For purposes of the allocation, this plan treats all Bell System toll lines plant, both Associated Company and Long Lines, which is located in a given State and which is used to serve subscribers in that State, as if such plant were jointly used to render both intrastate and interstate services. Thus, the plan averages the lower unit costs of Long Lines plant, used only for interstate service, with the higher unit costs of Associated Company plant, used to provide both services, and thereby assigns an increased amount of costs of this plant to interstate. The Commission's July 5, 1967 decision in Docket No. 16258 concluded that the use of the Modified Phoenix Plan should continue as the procedure for the jurisdictional separations of Bell's interexchange circuit plant.

8. The Bell System, in the General Investigation, proposed changes in the procedures for jurisdictional separations of interexchange circuit plant. Thus, it proposed elimination of the Modified Phoenix Plan and a return to methods generally consistent with the procedures of the 1947 Separations Manual used

prior to 1956. It also urged elimination of broad averaging of line haul and terminal costs and the adoption of a method that would determine such costs separately for each segment. Another proposed change was the designation of circuits used for one service only to include circuits handling traffic for another service so long as the use by the other service did not exceed 5 percent of the total usage of the circuits. These proposals were opposed by the State commissions, through the NARUC, and others. The Commission did not accept the changes proposed by the Bell System. In short, the Commission concluded that on the basis of the considerations then advanced there was not adequate justification for overturning a separations principle of 11 years standing. With respect to elimination of broad averaging, we held that the refinement sought was not necessary for the purpose of jurisdictional separations.

9. The Bell System in this proceeding, now supported by the NARUC, has renewed its proposal for elimination of the Modified Phoenix Plan and adoption of methods generally similar to those contained in the 1947 edition of the Separations Manual. However, the present Bell proposal retains the broad averaging features, including the use of average cost per circuit mile in each study area, as required by the current edition of the manual. It provides for the assignment of costs of circuits used wholly in interstate or intrastate operations directly to their respective operation and the allocation of the costs of jointly used circuits among the operations on the basis of conversation-minute-miles of traffic for each operation. In this respect, Bell has modified its previously proposed method for classification of circuits where other use of a circuit did not exceed 5 percent. Its instant proposal provides for apportionment of the costs of any circuit whose use is not confined entirely to a single service.

10. Those parties seeking herein the elimination of the Modified Phoenix Plan advance the following reasons in support thereof:

(1) The methodology required by the Modified Phoenix Plan is not consistent, in principle, with the methodology now used for separating exchange plant. The latter procedures are premised on the principle that traffic sensitive plant should be apportioned on the basis of actual or relative use. Interexchange circuit plant is clearly traffic sensitive.

(2) The Modified Phoenix procedures are incompatible with current technology and foreseeable future technological advances, e.g. the use of communications satellites for domestic long haul communications.

(3) Compared to the situation existing at the time of the adoption of Modified Phoenix, short haul toll operations of the Associated Companies are now benefiting cost-wise much more from technological advances and to this extent there is now less justification to equate the economic benefits of said advances through the averaging of the costs of short haul plant of the Associated Companies with the costs of longer haul plant of Long Lines, which is used exclusively for interstate operations.

(4) Contrary to the original rationale for Modified Phoenix, Bell System toll lines plant is not engineered and operated as an entity to serve customers in a State, but, rather is engineered and operated to serve customers in other States as well.

(5) The plan results in an artificial overstatement in interstate book costs of about $500 million currently and the amount is increasing. Moreover, the plan produces an erratic and inequitable distribution in benefits among the States (i.e., 70 percent of the benefits inure to 12 States which would otherwise account for only 40 percent of the book costs). This disproportion is also increasing with time.

11. In addition to Bell and the NARUC, the States of New Jersey and North Carolina, in their individual capacities, favor the elimination of Modified Phoenix. The elimination is opposed by the Independent Telephone Group, Western Union, GSA, and, in their individual capacities, by the States of California, Iowa, Kansas, Montana, West Virginia, and Wisconsin, and by the cities of Los Angeles, San Francisco, and San Diego. Those who oppose the elimination rest their opposition principally on the argument that the toll lines plant in each State is engineered and operated as an entity and that the low cost high volume routes are dependent on the high cost low volume routes.

12. The separations procedures proposed in this proceeding by the Bell System and the NARUC are substantially changed from the procedures advocated by the Bell System in FCC Docket No. 16258. Under the previous proposal costs would be determined separately for line haul and terminal equipment. The present proposal, as already noted, contemplates continuation of the broad averaging of the line haul and terminal costs of interexchange plant in each study area. In the previous proposals, a circuit was assigned wholly to one service where other traffic on the circuit did not exceed 5 percent of the total usage of the circuit. This is eliminated in the present proposal. Circuits used wholly in one service are directly assigned to that service. Circuits carrying more than one service will be allocated between services on the basis of proportionate use. The previous proposal was opposed by the NARUC whereas the present proposal is supported by the NARUC and, hence, the majority of the State commissions. The previous proposal shifted $175 million in revenue requirements from interstate to intrastate. By the present proposal, this amount is reduced to $118 million.

13. We have carefully considered the arguments advanced by the parties advocating retention of the existing procedures for separating interexchange plant. In doing so, we have also reexamined, in light of current conditions, the rationale on which the adoption of these procedures was premised. We have also considered the importance of designing cost allocation procedures so as to assign book costs to those services which are responsible for incurring them and that the principle of actual use is the best means of assigning such costs except where it can be demonstrated that adherence to actual use will not result in a fair and equitable apportionment. Upon the basis of these considerations we have concluded that reversion to the actual use principles and procedures similar to those contained in the 1947 Separations Manual applicable to interexchange circuit plant is necessary and appropriate at this time.

14. A principal argument to sustain the Modified Phoenix Plan has been that telephone plant is engineered and operated as an entity and that, therefore, the averaging of the costs of Long Lines terminating plant used exclusively in interstate service with the costs of Associated Company plant is warranted. There is no dispute that the telephone system functions as an integrated entity and that each operating component must have technical compatibility with all others. While this may be true as a generality, it tends to oversimplify the picture and to obscure the fact that substantial amounts of facilities are devoted exclusively to one or the other of the services, State or interstate. We think it is essential, in the light of present day technological considerations, that the book costs of these facilities be assigned to the service which is responsible for them.

15. Nor is there any dispute that the cost averaging of Modified Phoenix was designed to lessen the disparity between costs and revenue requirements applicable to intrastate and interstate services, respectively. However, current operating data make it apparent that the Modified Phoenix Plan is no longer producing its desired effects except in a most generalized, but unbalanced, fashion. It is further apparent that under current conditions the plan is now operating to introduce gross distortions in the relative costs of interexchange plant being assigned to State and interstate services and that such cost distortions can have undesirable economic consequences.

16. Thus, it appears that since 1956, when Modified Phoenix was adopted, Associated Company interexchange message circuit plant book costs have actually increased about 100 percent. However, the portion of such total book costs now being assigned to the interstate jurisdiction by virtue of the application of Modified Phoenix has increased 175 percent. This, in part, is the result of the more rapid growth of lower cost Long Lines plant relative to the growth of higher cost Associated Company plant. What is significant, however, is the progressive nature of the growing disproportionate assignment of Associated Company interexchange costs to interstate operations—a trend which has no relationship whatsoever to the actual use being made of Associated Company plant for State and interstate services.

17. This distortion is compounded by the disproportionate effect of the Modified Phoenix Plan among the several

States. For example, 70 percent of the additional book costs which are assigned to the interstate service because of the procedures of the Modified Phoenix Plan are distributed among only 12 States. On the basis of actual use, or in other words, without the cost averaging introduced by the Modified Phoenix Plan, the 12 States would account for only 40 percent of the book costs allocated to interstate. This disproportionate distribution, which is largely attributable to the happenstance of the location and physical routing of Long Lines plant, casts serious doubt on the current validity of the Modified Phoenix procedures. It also casts doubt on their efficacy in realizing the objective of the plan to lessen disparity between State and interstate revenue requirements.

18. Another argument advanced to support retention of Modified Phoenix has been that the cost averaging provided for therein is justified by the degree to which Long Lines route mileage represents plant jointly owned by Long Lines and the Associated Companies. To the extent that this may be a valid justification for treating all such plant as if it were used jointly for State and interstate services, it is significant that between 1954 and 1967 the proportion of Long Lines route miles which were derived from plant jointly owned with the Associated Companies decreased from 73 percent to 55 percent of total Long Lines route miles. In 1967, 52 percent of Long Lines terminating circuit miles were, in fact, on wholly owned Long Lines routes. In any case, with respect to jointly used facilities, it appears that, in a sense, each of the services contributes to the whole and that an appropriate measure of such contribution is the relative use of such facilities in each service applied to the actual costs associated with such facilities.

19. Under all the foregoing circumstances, we conclude that the Modified Phoenix Plan is not producing fair and equitable results but rather gross distortions in cost allocation and that it is timely and necessary to revert to the actual use principles and procedures similar to those contained in the 1947 Separations Manual as the basis for assigning the costs of interexchange circuit plant. We also conclude that elimination of the Modified Phoenix Plan and reversion to actual or relative use as the basis for allocating circuit plant will establish consistency with the treatment we have prescribed for the allocation of exchange plant, namely, that such plant that is traffic sensitive should be allocated on the basis of actual or relative use. Since interexchange plant capacity is geared to traffic volume, it is traffic sensitive. Finally, we conclude that with the rapid development and advancement of new and competing technologies, it is important that the separation procedures used for determining the interstate and intrastate revenue requirements not obscure the true economic facts and advantages of each technology. The artificial assignment of costs to one service or another, as occurs under the Modified Phoenix Plan, tends to obscure the basis for objective comparison. This is of more than theoretical concern today as we expect to be confronted in the near future with the problems of making sound determinations as to where and how, if at all, the satellite facilities to provide domestic communications services would be feasible and economical, having in mind, among other things, the total costs of alternative means of supplying similar services over like distances. However, it should be noted that this discussion is related to procedures for jurisdictional separations only and should not be construed as indicating the methods we believe to be proper for the purpose of making allocations of total interstate services nor for the determination of costs for competitive services.[1a]

EXCHANGE PLANT

20. As noted above, the Commission in its July 5, 1967 Interim Decision accepted and prescribed the principles and procedures of the Separations Manual (including the revisions of the Denver Plan), except those applicable to subscriber plant. With respect to this class of plant, we reached the following conclusions:

(a) Actual use, although a relevant factor, is not the sole factor to be considered for the allocation of subscriber plant costs. This is because subscriber plant is not traffic sensitive. The plant is installed largely for the purpose of providing subscribers with a constantly available access to and from the exchange and long distance telephone networks. Thus, the cost and capacity of the plant involved is not determined by the amount of its use.

(b) The charge per toll message, which is a characteristic feature of all toll rate schedules has in itself a deterrent effect on the actual use of subscriber plant. This is in contrast with the lack of deterrent in the exchange rate schedules which generally are based on flat or unmeasured rates.

(c) There is a further deterrent to use of subscriber plant in the toll rate structure which results from the fact that the charge per toll call increases with distance and conversation time. This deterrent effect of distance is enhanced in the case of interstate use of subscriber plant because on the average the interstate length of haul is greater than the average length of haul of intrastate toll calls.

(d) While distance gives an element of value to long distance calls and the greater cost has a restrictive effect on toll usage, procedures for the separations of costs of subscriber plant based solely on the concept of distance are not acceptable.

21. On the basis of the foregoing conclusions and exercising our considered judgment in light of all of the considerations then before us, we adopted a new two-part formula for the jurisdictional separations of the costs of the Bell system's subscriber plant. The formula was designed to take account of actual use of such plant for interstate services, as well as the deterrent effect on such use produced by the measured rate feature of the interstate toll schedule. The actual use is reflected in the first part of the formula which provides that a portion of the costs of the Bell System's subscriber plant allocated to the interstate message toll service shall be determined by applying to the study area book costs of subscriber plant the interstate SLU factors as measured by the ratio of interstate holding time minutes to total holding time minutes-of-use applicable to traffic originating and terminating in the study area. The deterrent effect is reflected in the second part of the formula which provides that an additive factor of 200 percent of the nationwide annual average interstate SLU factor for the total telephone industry be applied uniformly to the Bell System's subscriber plant costs in each study area. The amounts thus determined are added together to produce the total apportionment of subscriber plant costs to interstate.

22. In the instant proceeding, the Commission's July 5 plan for subscriber plant received the support of the Independent Telephone Group Western Union, GSA, the States of California, Iowa, Kansas, Montana, West Virginia, and Wisconsin, and the cities of Los Angeles, San Francisco, and San Diego.[2] Objections to the July 5 plan were made by NARUC, Bell, the States of New Jersey and North Carolina and the District of Columbia. The Bell System has submitted an alternative plan herein which has received the endorsement of the NARUC, and which we will discuss hereinafter.

23. The essence of the objections to the Commission's July 5 plan may be described as follows:

(a) The use of the same additive factor in each study area to compensate for the deterrent effect of the toll rate schedules ignores the fact that the degree of the deterrent is affected in each study area by such characteristics as its geographical location and community of interest with other parts of the Nation.

(b) The use of a single uniform factor does not adequately reflect the increasing deterrent effect of the toll rate schedule as the calling distances increase.

(c) Because the plan uses a flat percentage figure, it offers no incentive for the development of additional interstate business in a given study area.

(d) It produces inequitable results among the States.

24. In an effort allegedly designed to meet these objections, the Bell System, supported by the NARUC, has proposed herein the adoption of a revised plan for the allocation of the cost of subscriber plant. This plan consists of a three-part formula, Part A is the same as the first part of the Commission's plan, i.e., study

[1a] Insofar as any transfers of property between Long Lines and Associated Companies may affect the intrastate and interstate revenue requirements, the Commission has ample statutory authority to oversee this matter and to prevent possible abuses.

[2] Most of these parties advocated modification of the plan with respect to the District of Columbia because of its geographical situation.

area interstate SLU factor times study area book costs. Part B is the same as one-half of the additive portion of the Commission's plan, i.e., 100 percent of the average nationwide interstate SLU factor times study area book costs. Part C of the Bell's proposal would increase the second half of the Commission's additive factor from 100 percent to 160 percent and would apply this portion of the additive factor in accordance with the following formula:

(a) Total industry subscriber plant book costs assigned interstate by Part B; times,

(b) Study area interstate holding time minutes divided by total industry interstate holding time minutes; times,

(c) Average interstate initial period station rate at study area average length of haul divided by total industry average interstate initial period station rate at nationwide average length of haul; times,

(d) Additive factor of 160 percent.

25. The Bell System contends that the plan which it proposes for the separation of costs of subscriber plant retains the best features of the Commission's plan and largely alleviates the alleged deficiencies. Thus, Bell alleges it retains the Commission's plan in both Part A of its plan which reflects the actual use of subscriber plant and in Part B of its plan which uses 100 percent of the nationwide average interstate SLU factor. As we will set forth hereinbelow, we also accept Parts A and B of the Bell proposal. We, therefore, turn now to an analysis of the third part of Bell's plan.

26. The third part of Bell's proposal is quite complex and introduces several questionable concepts which we will discuss separately. The first concept is the use of nationwide, industrywide, average book costs. The effect of this aspect of the Bell formula is to develop an average total industry subscriber plant book cost per minute of use. This average book cost is then used to determine the additional amount of book costs assigned to interstate operations in each study area by the third part of the formula. As is pointed out by the Independent Telephone Group and California, who object to this feature of Bell's plan, it penalizes a study area with higher than average costs and gives undue advantage to a study area with lower than average costs. Thus, it would appear that this concept is contrary to one of Bell's primary arguments in support of Part C of its plan, i.e., that it would "reflect each study area's contribution to the total interstate enterprise."

27. Secondly, it is to be noted that Bell supports items (b) and (c) of its formula on the ground that they provide an incentive to each study area to make a greater contribution to interstate business and "rewards" success by increasing the interstate share of the study area costs. Bell further argues that increased calling pursuant to such an incentive would tend to reduce unit subscriber costs for both intrastate and interstate users. The Independent Telephone Group opposes this concept, stating that the determination of a telephone company's interstate costs should be derived by separating that company's book costs and not by "rewards," "incentives," or "contributions." We agree with the Independent Telephone Group and do not believe that it is proper to base such an important aspect of separations primarily on an "incentive factor" of this type. However, we recognize that, if a proposed separations formula is otherwise fully supportable as reasonable from a cost allocation standpoint, appropriate consideration may well be given to factors which would tend to increase use or to decrease the average cost of handling calls. Unfortunately, Bell has not shown how implementation of the third part of their plan would provide such an incentive to use or which entities or users would be induced to make additional calls. Certainly there is no incentive to the interstate user since this feature of the formula by transferring costs from the intrastate to interstate jurisdiction would tend to increase total interstate costs. If the idea is to provide an incentive to the telephone companies to somehow bring about an increase in interstate calling or to increase the average length of interstate calls or length of conversation, or all three, we agree that the incentive concept would have merit. However, Bell has not shown, nor can we see, how the third component of Bell's plan would accomplish or even facilitate these objectives.

28. Aside from the foregoing, it must be borne in mind that the basic premise for an allowance in excess of actual SLU is the fact that usage of subscriber plant for interstate traffic is deterred by the combination of the unit charge and increasing initial rate as distance increases. The incentive approach which relates allocation to increased use rather than to barriers to use is diametricaly opposed to the concept that there should be compensation for the existing deterrents to use and is therefore not an appropriate means for fixing additional allocation of subscriber plant.

29. The third weakness in the Bell Plan results from the arbitrary and contrived nature of the 160 percent factor—60 percent above that proposed by the Commission in its plan—which Bell would assign to the third part of its basic formula. This additional 60 percent appears to be premised primarily if not solely, on the position that it would improve the results of the separations plan as among the various States. We should like to make it clear that the revisions in separations we are striving for herein are designed to remove existing inequities and to establish procedures which are reasonable and fair with respect to all jurisdictions. Since one of the basic reasons for elimination of Modified Phoenix was that it produced inequitable results and erratic distribution of interstate revenue requirements among the States, it is to be expected that the correction of this inequity would necessarily have different effects on different jurisdictions. Similarly, the application of the Denver Plan procedures resulted in an irrational distribution of benefits among the various States. Correction of both of these inequities will necessarily increase benefits to those who received too little previously and decrease benefits to those who had received too much previously. We do not believe that in correcting past inequities we should adopt a plan arbitrarily designed to maintain the status quo with respect to all jurisdictions and thereby give unwarranted benefits to some, if not many, jurisdictions. The elimination of one series of inequities should not be the basis for creation of a new series of inequities. For all of these reasons we cannot accept the Bell proposal.

30. Although we are unable, for the reasons outlined above, to adopt the Bell System proposal as an acceptable method for the jurisdictional apportionment of subscriber plant, we are of the opinion that our July 5 plan can be improved by certain modifications or refinements that will make its application more equitable for all study areas. Thus, we believe that there is merit to the criticism of the use of a single uniform additive for all study areas. While the additive factor was intended, properly, to compensate for the deterrent to actual use of subscriber plant inherent in the toll rate structure, we recognize that the application of the same factor in each and every study area can produce some questionable results in particular study areas. For, as pointed out by Bell, the degree of the deterrent varies from study area to study area depending upon the geographical location of the particular study area and its community of interest with the rest of the nation's telephone subscribers. In other words, subscribers situated in the central areas of the United States cannot make toll calls at the maximum rates of the interstate schedule, and such subscribers would find the toll rate schedule in this respect to be less of a deterrent to use of subscriber plant than subscribers situated on the east or west coasts. Also, subscribers in large population centers located close to each other, but separated by State boundaries, would tend to have a high calling rate between them and hence make greater toll use of the subscriber plant than subscribers located in large population centers at greater interstate distances from other population centers. These, and other considerations, necessarily affect the calling habits of toll subscribers and result in different usage patterns of exchange plant from study area to study area. Therefore, such considerations cannot adequately be reflected by a single flat nationwide additive factor designed to compensate for the deterrent effect of the interstate toll rate schedule on interstate use of subscriber plant.

31. Moreover, our further analysis of the July 5 plan indicates that it warrants adjustment in another respect. As interstate rates are reduced the deterrent to use of exchange plant for interstate calling is likewise reduced. Therefore, the additive factor, which is intended to compensate for the deterrent, should also have a decreasing effect. However, as

formulated by our July 5 plan, the additive factor will have the opposite effect as interstate rates are reduced and will, in itself, require an increasing allocation of subscriber plant costs to the interstate jurisdiction. In other words, with a nationwide reduction in interstate rates, there will tend to be a decrease in the deterrent effect of toll charges and an increase in the nationwide interstate SLU factor. However, under our July 5 plan, with its 200 percent additive factor, interstate revenue requirements would be increased by a greater allocation of plant and expenses. Thus, a factor which should have decreasing importance as deterrents are removed would have a disproportionately increasing effect. Over an extended period of time, this would defeat the spirit and intent of the additive and could unduly burden the interstate jurisdiction with excessive allocations of subscriber plant costs.

32. We believe that our concerns in the above respects, which are shared by a number of respondents in this proceeding, can be met by a modification of our July 5 formula. All respondents are in apparent agreement with our July 5 plan insofar as it provides for measuring, in each study area, actual interstate use of subscriber plant on the basis of interstate subscriber line usage (SLU). Thus, we will continue to use the study area SLU factor for the first part of our formula. As recommended by the Bell plan, we will also provide for an additive of 100 percent instead of 200 percent of nationwide interstate SLU as the second part of the formula. In doing so we give recognition to the fact that subscriber plant, wherever located, is available to interstate operations generally for the origination and termination of interstate long distance calls. It also recognizes that the single interstate toll rate schedule applies uniformly throughout the continental United States and, therefore, by virtue of this factor alone, exerts a restrictive effect on the actual use of subscriber plant in all study areas. However, to respond to the concerns that the degree of the deterrent of the toll rate schedule is not entirely the same from study area to study area because of the considerations peculiar to each study area as discussed in paragraph 30, above, we are providing, as the third part of our formula, for a second additive consisting of a modified study area SLU factor to be applied to study area book costs of subscriber plant. This modified SLU factor will consist of the study area SLU factor multiplied by the ratio of the average interstate initial period station rate at the study area average interstate length of haul to the nationwide composite total toll initial period station rate at the nationwide average length of haul for all toll traffic for the total telephone industry. The use of a modified SLU factor in this fashion will provide a reasonable measure of the deterrent effects on interstate toll use of subscriber plant in a particular study area resulting from the conditions affecting such toll usage which are peculiar to such study area as discussed above. It will also relate compensation for the deterrent effect reasonably to the effect itself. Thus, as the relative deterrent decreases the relative compensation would tend to decrease, and when the relative deterrent effect increases so will the compensation.

33. In our best judgment and with full consideration of all the facts and arguments before us in this proceeding, we are convinced that the procedures for the jurisdictional separation of telephone plant that we are prescribing herein are fully warranted and produce fair and equitable results for all parties affected thereby.[3A] We wish to stress again that there is no means of precise mathematical measurement of the amounts necessary to give effect to all of the factors under consideration in this proceeding. In the area of jurisdictional separations, it is necessary to make acceptable compromises between complex procedures which are costly to effectuate and less precise methods which are generally equitable and have the advantage of simplicity and ease of application. This is particularly appropriate since informed judgment of necessity has such a substantial impact on the overall results.

SUBSIDIARY ALLOCATION PROCEDURES

34. To effectuate our conclusions we are adopting and prescribing the principles and procedures contained in the April 1963 Separations Manual including the 1964 and 1965 Addenda thereto as modified by the revisions in those procedures adopted herein for the allocation of the costs of interexchange circuit plant and subscriber plant. A more precise description of the prescribed revisions is contained in the attached Appendix A[3B] for interexchange circuit plant and for subscriber plant. These revisions describe the procedures for the allocation of only the book costs of plant in these categories. The allocation of reserves and expenses that are directly related to such book costs shall be accomplished in a manner consistent with the procedures set forth for the allocation of book costs.

35. There are certain other traffic and commercial expenses (specified in Appendix A) which are now apportioned on the same basis as the book cost of subscriber plant. No revisions in the procedures for separating these expenses have been proposed and the revenue requirement effect of the various plans considered in this record have been calculated on the basis of continuing the apportionment of these expenses under the existing procedures. Since the Denver plan procedures will no longer be applied for the separations of subscriber plant, and in view of the relatively minor effect of these expenses on the overall amounts assigned to interstate, we do not deem it necessary to continue the calculations required to apportion these expenses by the method now being used even if they were otherwise found to be justified. Furthermore, the deterrent effect concept discussed herein as supporting the subscriber plant separations method which we are prescribing does not appear to be applicable to these expense items. In view of the nature of these expenses and after consideration of the historical treatment accorded them for separations purposes, we are of the opinion that subscriber line usage is an appropriate basis for apportioning such expenses and we are therefore prescribing such procedures as set forth in Appendix A.

PROCEDURAL QUESTIONS

36. Both California and the Independent Telephone Group have requested, in their comments, that the matter of separations be designated for an evidentiary hearing before a final determination is made herein. California is primarily concerned[4] that if it is proposed that any plan other than the original plan set forth in our decision and order be adopted, further evidentiary hearings should be held so that any such new plan would be subjected to cross-examination in order to afford the States concerned full due process. It is to be noted we are following the same procedures in adopting the separation plan herein as we did in adopting the plan set forth in our interim decision, which California now supports as fully justified by the record in that case. In each case we arrived at a plan which reflects our informed judgment, based on all of the data before us, as to the plan which is most reasonable and feasible in the current circumstances. We specifically considered the need or requirement for cross-examination on the record before the adoption of our original plan in our Memorandum Opinion and Order on Reconsideration in Docket No. 16258 and found that it was not required (see paragraphs 47–49 of the memorandum opinion and order).

37. The Independent Telephone Group is primarily concerned with the application of the Modified Phoenix Plan to the Independents. It alleges that the Independents should be in the same position as the Bell companies insofar as the application and implementation of the Modified Phoenix Plan is concerned. Since we have now provided for the elimination of that plan insofar as the Bell companies are concerned, it would appear to us that this basic argument of the Independents is no longer applicable.

38. Aside from the foregoing, it is to be noted that this entire question of separations has been considered both at great length and in great depth for a period

[3A] These procedures, and our prescription thereof, are not designed to apply to Alaska and Hawaii in view of the substantially different conditions existing in the case of these States.

[3B] Appendix A filed as part of the original document.

[4] California suggests the possible inaccuracy of the Bell System figures relating to results of the various separation methods. It states that no one during the course of Docket No. 16258 had access to the work papers underlying such figures. An examination of the record of that docket fails to disclose any unsatisfied request, made on the record, that the Bell System make such work papers available for inspection by California or anyone else.

of well over 2 years. All interested parties, including the Independents, participated fully in the proceedings in Docket No. 16258, in the meetings and deliberations of the Technical Experts Group, and in the filings in the instant proceeding. Thus, all parties had ample opportunity to make their views known, to propose their own separations plans, and to comment on the proposals of other parties. We stress, as has been set forth hereinabove, that the plan adopted herein is designed, insofar as exchange plant is concerned, to improve the plan we originally adopted and to satisfy legitimate criticisms which have been made with respect to that plan. Insofar as interexchange plant is concerned, we have determined, on further review and because of the fast pace and vast scope of technical change, to eliminate the Modified Phoenix Plan so that we may have available appropriate and accurate data with respect to the costs of long distance transmission facilities on the basis of which we can make informed decisions regarding the relative merits of alternative facilities which are becoming available. Under all of these circumstances we cannot find that considerations of equity require, or that any useful purpose would be served, by now setting this matter for further formal evidentiary hearing. We therefore deny the above described requests that this matter be set for further evidentiary hearing.

CONCLUSIONS

39. We are aware that a major change in jurisdictional separations of the type we are prescribing herein can have substantial effects on the various jurisdictions, particularly since intrastate telephone rates have for several years been based on revenue requirement calculations, computed in accordance with the separations procedures contained in the Modified Phoenix and Denver Plans. Immediate and full implementation of the procedures we are prescribing herein, for the separation of both subscriber plant and interexchange plant costs, could have considerable impact in a number of jurisdictions where intrastate revenue requirements would be increased. This is inevitable where corrective action is being taken to remove deep-seated inequities in the existing procedures. We believe that the appropriate method in dealing with this problem is not the selection of a factor designed solely to maintain a status quo as Bell has proposed by its plan. Following this course of action will simply result in creating a new series of inequities. We believe, on the other hand, that it is reasonable and appropriate to minimize the immediate impact on the revenue requirement position of individual states by phasing the implementation of our prescribed plan over a period of time. Accordingly, in our order herein we will provide for the elimination of one-half of the calculated effect of Modified Phoenix upon the effective date of this report and order and the elimination of the remainder over the following 12 months. The net effect of the first stage of this phased plan will be to shift revenue requirements of about $94 million from Bell's intrastate to its interstate operations. This is about the same amount as was transferred to interstate operations under our original plan. As experience has shown, the allocation of subscriber plant to interstate will increase in sufficient amount to substantially offset the remaining effect of the elimination of Modified Phoenix by the end of 1969. Accordingly, it would appear that as a result of such phasing of the elimination of Modified Phoenix, this plan will tend to minimize the effect of these revisions in separations procedures on intrastate revenue requirements.

40. Appendix A attached hereto is designed to serve as an addendum to the April 1963 edition of the Separations Manual which, with the 1964 and 1965 Addenda thereto, are hereby incorporated by reference into Part 67 of our rules and regulations. Although Appendix A does not set forth specific language as substitute for various paragraphs of the Manual and the 1965 addendum, we believe Appendix A with the discussion in this report and order adequately describes the separations procedures we are prescribing. We expect our staff to meet informally with the NARUC separations subcommittee, representatives of the industry and any other parties having an interest in this matter, for the purpose of drafting revisions to the manual to incorporate therein the changes we are adopting in this report and order. Furthermore, we are well aware that because of the increasingly rapid changes in telephone technology and innovations in service offerings and rate structure, the jurisdictional separations procedure we are prescribing and incorporating in our rules will require continuing review and possible revisions on occasions in the light of changed conditions in the industry. In this connection we intend to continue our cooperation with the NARUC, as in the past, in the conduct of joint studies and reviews of jurisdictional separations matters. In fact the Commission will look to these joint studies as the prime forum for continued analysis of separation procedures and the source of proposals for their refinement, improvement or modification in light of actual experience and technological changes. Any proposed revision in the prescribed procedures which may result from such studies or which may be advocated by any other interested party will be considered on a public record in accordance with the rule-making provisions of the Administrative Procedure Act.

Accordingly, it is ordered, That, pursuant to the provisions of sections 4(i), 221(c), and 221(d) of the Communications Act of 1934, as amended, the NARUC-FCC Separations Manual, together with its various addenda and as modified by the procedures described in Appendix A hereto, is hereby adopted and prescribed as the procedures which shall hereafter be used in the separation of investment, operating expenses, taxes, and reserves between the interstate and intrastate operations of telephone companies; and

It is further ordered, Effective January 1, 1969, that Title 47 of the Code of Federal Regulations is amended by the issuance of a new Part 67 as set forth below, which incorporates by reference into the Commission's rules as Part 67 thereof, the aforesaid Separations Manual and its addenda, including the 1969 addendum as contained in Appenix A hereto; and

It is further ordered, That this proceeding is terminated.

Adopted: January 29, 1969.

Released: January 30, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

Incorporation by reference provisions approved by the Director of the Federal Register February 4, 1969.

In Chapter I of Title 47 of the Code of Federal Regulations, a new Part 67 is added to read as follows:

§ 67.1 Separations manual; incorporation by reference.

(a) Jurisdictional separations of telephone companies' property costs, revenues, expenses, taxes, and reserves are determined under principles and procedures set forth in the Separations Manual ("Standard Procedures for Separating Telephone Property Costs, Revenues, Expenses, Taxes, and Reserves"), as amended by the Federal Communications Commission, which is hereby incorporated by reference into this Part 67, pursuant to 5 U.S.C. 552(a)(1) and 1 CFR Part 20. The contents of the Manual, as incorporated by reference, include the April 1963 edition of the Manual, 1964, 1965, and 1969 Addenda, subsequent amendments of the Manual adopted by the Federal Communications Commission, and subsequent editions of the Manual authorized by the Federal Communications Commission. The principles and procedures set forth in the Manual are designed primarily for use in the allocation of property costs, revenues, expenses, taxes, and reserves between intrastate and interstate jurisdictions.

(b) The Separations Manual is published by the National Association of Regulatory Utility Commissioners (formerly the National Association of Railroad and Utilities Commissioners). Copies of the current edition of the Manual, with current Addenda and Amendments, may be obtained at a cost of two dollars ($2.00) per copy, by writing to the Association, Post Office Box 684, Washington, D.C. 20044.

(c) Copies of the current edition of the Separations Manual, with current Addenda and Amendments, are available for inspection at the following locations:

Office of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C.

[5] Dissenting statement of Commissioner Johnson filed as part of the original document.

Field Offices of the Common Carrier Bureau, Federal Communications Commission, as listed in § 0.93 of this chapter.

Offices of the National Association of Regulatory Utility Commissioners, I.C.C. Building, 12th Street and Constitution Avenue NW., Washington, D.C.

(d) An official historic file, containing a record of all changes in the Separations Manual from 1963 forward, is maintained in the offices of the Common Carrier Bureau, Federal Communications Commission, 1919 M Street NW., Washington, D.C., and is available for inspection at that location.

[F.R. Doc. 69-1466; Filed, Feb. 4, 1969; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1015]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. To Unload Certain Cars of Woodpulp Held at Longview, Wash.

As a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 30th day of January 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that five such cars are being held by the Union Pacific Railroad Co. at Longview, Wash., commencing with various dates between June 21, 1968, and July 2, 1968; that the Union Pacific Railroad Co. has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1015 Service Order No. 1015.

(a) Union Pacific Railroad Co. shall unload certain cars of woodpulp held at Longview, Wash.: The Union Pacific Railroad Co., its agents or employees, shall unload the following cars containing woodpulp shipped from Longview, Wash., to Natchez, Miss., and held at Longview, Wash., subject to instructions of the shipper.

UP 360058, UP 360095, UP 165903, UP 165137, and UP 165779.

(b) The Union Pacific Railroad Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 15, 1969.

(c) The Union Pacific Railroad Co. shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., February 4, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1472; Filed, Feb. 4, 1969; 8:47 a.m.]

[S.O. 1016]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. To Unload Certain Cars of Woodpulp Held at Kansas City, Mo., Peoria, Ill., and Oelwein, Iowa

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 30th day of January 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that 12 such cars are being held by the Chicago and North Western Railway Co. at Kansas City, Mo.; Peoria, Ill.; and Oelwein, Iowa, commencing with various dates between November 1, 1968, and December 2, 1968; that the Chicago and North Western Railway Co. has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1016 Service Order No. 1016.

(a) Chicago and North Western Railway Co. shall unload certain cars of woodpulp held at Kansas City, Mo.; Peoria, Ill.; and Oelwein, Iowa: The Chicago and North Western Railway Co., its agents or employees, shall unload the following cars containing woodpulp shipped from Longview, Wash., to Natchez, Miss., and held at the stations designated below, on instructions of the shipper.

(1) Sou 263512, MP 81972, CB&Q 10336, GN 138849, and GN 138840 held at Kansas City, Mo.

(2) Milw. 6054, Milw. 6021, Milw. 52137, Milw. 55397, GN 17602 and GN 17702 held at Peoria, Ill.

(3) GN 17415 held at Oelwein, Iowa.

(b) The Chicago and North Western Railway Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 15, 1969.

(c) The Chicago and North Western Railway Co. shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12.01 a.m., February 4, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–1468; Filed, Feb. 4, 1969; 8:47 a.m.]

[S.O. 1017]

PART 1033—CAR SERVICE

Minneapolis, Northfield, and Southern Railway To Unload Certain Cars of Woodpulp Held at Minneapolis, Minn.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 30th day of January 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that 12 such cars are being held by the Minneapolis, Northfield, and Southern Railway at Minneapolis, Minn., commencing with various dates from December 9, 1968; that the Minneapolis, Northfield, and Southern Railway has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1017 Service Order No. 1017.

(a) Minneapolis, Northfield, and Southern Railway shall unload certain cars of woodpulp held at Minneapolis, Minn.: The Minneapolis, Northfield, and Southern Railway, its agents or employees, shall unload the following cars containing woodpulp shipped from Longview, Wash., to Natchez, Miss., and held at Minneapolis, Minn., subject to instructions of the shipper.

NP 4617	Milw 6028	NP 7075
NP 4654	NP 2619	NP 3365
MP 354280	Milw 6008	NP 5423
Milw 6020	Milw 6036	NP 4640

(b) The Minneapolis, Northfield, and Southern Railway, its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 15, 1969.

(c) The Minneapolis, Northfield, and Southern Railway shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., February 4, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 14(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–1470; Filed, Feb. 4, 1969; 8:47 a.m.]

[S.O. 1018]

PART 1033—CAR SERVICE

Soo Line Railroad Co. To Unload Certain Cars of Woodpulp Held at Glenwood, Minn.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 30th day of January 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that seven such cars are being held by the Soo Line Railroad Co. at Glenwood, Minn., commencing with various dates between November 13, 1968, and November 27, 1968; that the Soo Line Railroad Co. has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1018 Service Order 1018.

(a) Soo Line Railroad Co. shall unload certain cars of woodpulp held at Glenwood, Minn.: The Soo Line Railroad Co., its agents or employees, shall unload the following cars containing woodpulp shipped from Longview, Wash., to Natchez, Miss., and held at Glenwood, Minn., subject to instructions of the shipper.

IC 11483	CBQ 10275
NP 5666	CG 1986
TP 360229	CNW 3089
NP 4234	

(b) The Soo Line Railroad Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 15, 1969.

(c) The Soo Line Railroad Co. shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., February 4, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–1471; Filed, Feb. 4, 1969; 8:47 a.m.]

[S.O. 1019]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. To Unload Certain Cars of Woodpulp Held at Kansas City, Mo.

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 30th day of January 1969.

It appearing, that there is a critical shortage of boxcars throughout the country; that numerous shippers are unable to secure the boxcars required for transportation of their traffic; that certain shippers load substantial numbers of such boxcars far in advance of dates wanted at destination; that such cars are subsequently ordered held at origin or at various points en route to billed destination; that 10 such cars are being held by the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. at Kansas City, Mo., since December 15, 1968; that the Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. has been unable to secure authority from the shipper to forward these cars to destination for unloading by the consignee; that the consignee named in the billing is unable to accept and unload these cars on a current basis; and that these practices prevent the use of the affected cars for the transportation of products of other shippers. Therefore, it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1019 Service Order No. 1019.

(a) Chicago, Milwaukee, St. Paul and Pacific Railroad Co. shall unload certain cars of woodpulp held at Kansas City, Mo.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Co., its agents or employees, shall unload the following cars containing woodpulp shipped from Longview, Wash., to Natchez, Miss., and held at Kansas City, Mo., subject to instructions of the shipper:

GN 36616	GN 139028	Milw 52205
GN 38178	GN 40120	Milw 52359
TP 267201	TP 267224	
Milw 52487	MP 96411	

(b) The Chicago, Milwaukee, St. Paul and Pacific Railroad Co., its agents or employees, shall complete the unloading of each of the cars named in paragraph (a) of this section not later than 11:59 p.m., February 15, 1969.

(c) The Chicago, Milwaukee, St. Paul and Pacific Railroad Co. shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of each car. Such notice shall specify when, where, and by whom such unloading was performed.

(d) Application: The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(e) Rules and regulations suspended: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(f) Effective date: This order shall become effective at 12:01 a.m., February 4, 1969.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., February 15, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies sec. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–1469; Filed, Feb. 4, 1969; 8:47 a.m.]

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 18433; FCC 69-88]

RADIOFREQUENCY DEVICES

Notice of Proposed Rule Making Regarding All-Channel Television Broadcast Receivers

1. Notice is hereby given of proceedings to amend regulations governing the capability of television broadcast receivers to adequately receive the 12 VHF and 70 UHF channels allocated to television broadcasting. The proposed regulations would govern tuning methods and controls and specifically would require comparable ease of tuning for the UHF and VHF portions of the receiver. The precise terms of the proposed rules have not been formulated and will depend, in large measure, on information submitted in response to this notice.

2. It should be emphasized, at the outset, that we are generally encouraged by progress which has been made in the development of UHF television broadcasting, and that we look with confidence to its continuing development as a viable and indispensable means of achieving the diversity in television broadcasting which both the Congress and the Commission have considered essential to the public interest. Nevertheless, a critical period for UHF television lies ahead. It is important that unnecessary handicaps or obstacles to the progress of UHF television during this period by removed and that all possible measures be taken to assure it a full and fair opportunity to succeed. Regulation to eliminate or reduce disparities in the ease of tuning UHF and VHF channels is one such measure. Most receivers currently being marketed contain a built-in UHF deterrent in the form of separate, different, and more complicated UHF tuning systems. The prospect that the market will be saturated with such receivers before simplified tuning systems are introduced leads us to believe that prompt regulatory action is needed. To place the proposed rules in proper perspective, there is set out below a brief summary of developments in this area since 1962 and of the public interest considerations bearing upon the need for regulation.

3. To encourage use of the 70 UHF channels allocated by the Commission to television broadcasting and thus to achieve the goal of a truly nationwide, competitive, and intermixed 82-channel television broadcast system, the Congress, in 1962, enacted legislation authorizing the Commission, "to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting * * *."[1] Later in 1962, the Commission adopted regulations implementing this legislation.[2] In pertinent part, these regulations required that television broadcast receivers be capable of adequately receiving the 12 VHF and 70 UHF channels and specified noise figure and peak picture sensitivity standards for the UHF portion of the receiver.[3]

4. These standards were based on recommendations made to the Commission by the television receiver industry in 1962 and were recognized as minimum requirements both in kind and degree. Requirements in other areas (including ease of tuning) were proposed to the Commission but were rejected at that time, to ease problems faced by the tuner and receiver manufacturing industries during the transition to all-channel production and to assure that the schedule for conversion to all-channel production could be met without undue expense or burden to the industry. The Commission had been advised by the industry that advances in the ease of tuning would continue to be actively pursued and had reason to expect that greatly augmented UHF receiver and tuner production would result in very substantial improvement in UHF receiver capability, both generally and with respect to ease of tuning, so as to put UHF on a par with VHF in that respect. In these circumstances, the question of additional standards was left open for review, in light of changing circumstances and experience under the regulations adopted at that time.[4]

5. Some 6 years have now passed since enactment of the all-channel receiver law and adoption of regulations relating to the capability of all-channel television receivers. This is an adequate base upon which to measure the progress made in achieving the purpose of the law; and it is now appropriate to determine, under prevailing circumstances, whether additional regulation can contribute to the full and rapid achievement of that purpose.

6. Today, as in 1962, a vital consideration in achieving the goal of a nationwide, competitive, and intermixed 82-channel television broadcast system is to provide a mass audience for UHF stations by placing all-channel receivers in the hands of the public. Clearly, there has been substantial progress in this respect since enactment of the all-channel law. It is estimated that in excess of 50 percent of the sets in use today have all-channel capability compared with 16 percent in 1962, and that 75 percent of the sets in use will have all-channel capability by the end of 1970. This increase in the present and prospective potential audience for UHF stations is reflected in the number of operating UHF stations, which has more than doubled since 1962 and may be expected to increase further with the continuing increase in all-channel receivers.

7. On the other side of the coin, the number of UHF stations in operation today remains a small percentage of the total number for which frequencies have been assigned. The audience levels of UHF stations do not compare favorably with those of competing VHF stations. This factor is adversely affecting the competitive capacity of existing UHF stations and inhibiting the construction of new UHF stations. While it is appreciated that audience levels depend primarily on programing, they may also be affected by disparities in picture quality and tuning ease. These are factors in determining whether a so-called all-channel set is indeed capable of adequately receiving all (i.e., UHF and VHF) frequencies allocated to television. As indicated by the following resolution of the Committee for the Full Development of All-Channel Broadcasting, the UHF television broadcasting industry is concerned that the UHF portion of television broadcast receivers is less than adequate in these respects.

Be it resolved that the Committee for the Full Development of All-Channel Broadcasting urges the Commission to initiate rule making proceedings pursuant to its existing authority as set forth in the All-Channel Receiver Law, looking toward the adoption of rules requiring that all television sets shipped in interstate commerce as of September 1, 1969, be equipped with tuning devices which will insure equality in the ease of tuning VHF and UHF television channels and will insure parity in the quality of such tuners.

If there are significant disparities in performance characteristics and tuning ease, they would adversely affect the audience levels of UHF stations and the construction of new UHF stations and

[1] Public Law 87-529, July 10, 1962, 76 Stat. 150, 47 U.S.C. 303(s) and 330, commonly referred to as the "all-channel receiver law." For background data, see H.R. Rept. No. 1559, 87th Cong., second session, Apr. 9, 1962, and S. Rept. No. 1526, 87th Cong., second session, May 24, 1962.

[2] For the record of the rule making proceeding, see Commission Docket No. 14769. For the notice of proposed rule making, see 27 F.R. 9222, Sept. 18, 1962. For the first report and order, see 27 F.R. 11698, Nov. 28, 1962. The second report and order, 28 F.R. 5577, June 6, 1963, is not pertinent to the matters under consideration in this proceeding.

[3] See 47 CFR 15.4 (h) and (i) and 15.65.

[4] For further discussion of the factors influencing the Commission's determination in Docket No. 14769, see the notice of proposed rule making and the first report and order in that proceeding, as cited, supra, at note 2.

would be a proper matter for Commission concern. We turn, therefore, to the consideration of these factors.

8. During the last 6 years, we find that the tuner and receiver manufacturers have substantially improved the performance of UHF tuners and receivers, while reducing the cost of all-channel receivers and thus speeding progress toward the goal of the all-channel receiver law. Their efforts in this respect are commendable and deserve the appreciation of UHF broadcasters, the Commission, and the viewing public. Though absolute parity in the performance of UHF and VHF tuners has not yet been achieved, both UHF and VHF tuners have been substantially improved over their counterparts in 1962, the differences in quality have largely been eliminated, and progress in this direction is continuing. Moreover, the disparity in electrical performance is not so great, in our judgment, as to materially affect the audience levels of UHF stations, assuming use of an efficient antenna and location within an area that the UHF station may reasonably expect to serve. In these circumstances, we conclude that additional regulation directed to the electrical performance characteristics of UHF receivers or tuners is not warranted at this time.

9. There is reason to believe, on the other hand, that separate tuning controls and different, more complicated tuning methods for the UHF channels detract from the audience levels of UHF stations, adversely affect their competitive capacity, and thus inhibit the construction of new UHF stations. Clearly, the earlier-established, network-affiliated VHF stations are the dominant industry factor, retaining the bulk of the viewing audience and enjoying the important advantage of viewer familiarity. Separate tuning controls and different, more complicated tuning methods tend to isolate UHF stations from this mass audience, even though the UHF and VHF portions of the receiver may not vary materially in picture quality. For example, a frequent complaint of persons concerned with the tuning problem is that on most receivers the UHF channels are not satisfactorily identified by channel number, whereas the VHF channels normally are so identified. Thus, tuning controls and procedures which make UHF tuning more difficult than VHF are not "adequate" insofar as achieving the goals of the all-channel law are concerned. Clearly, the elimination or reduction of these differences would help significantly to achieve the purposes of the all-channel receiver law.

10. Considering the purposes of the all-channel receiver law, the ideal receiver would utilize the same set of controls (e.g., one knob or set of push-buttons), the same tuning method (e.g., detent, venier, or push button), and the same tuning aids (e.g., automatic fine tuning (AFC), visual tuning aids, automatic signal seeking, remote control) for the UHF and VHF portions of the receiver. The purposes of the law do not require that a particular tuning system be used, but only that the ease of tuning UHF and VHF channels be comparable. The industry, we believe, has developed the technological capability to produce receivers which eliminate or materially reduce the disparities between UHF and VHF tuning systems. Indeed, receivers have been marketed which reduce these disparities.[5] Generally, however, such improvements have been included only in higher-priced models, which constitute a relatively minor portion of total receiver sales. In lower-priced units, it would appear that the price of the unit is considered the primary competitive factor and that manufacturers have been unwilling to incorporate tuning advances which would involve a price increase and could adversely affect their competitive position. Thus, though the capability exists and though some further progress can reasonably be expected, there would appear to be reason to doubt that, absent regulatory action, we can expect individual manufacturers, on a large scale or in the near future, to take steps to eliminate or significantly reduce disparities in the ease of tuning UHF and VHF channels. On this basis, and subject to comment in this proceeding, it would appear that additional regulation is needed to achieve the purposes of the all-channel receiver law. We recognize that there are economic considerations which must be taken into account, and also that there may be problems relating to the physical size of receiver cabinets and tuning equipment; there thus may be need for different standards for small or low-priced receivers. While we seek information on these factors and will, of course, reach no determination until we have evaluated the data received (see paragraph 11), we would stress our intention, within the limits of practicability, to adopt regulations requiring comparability in tuning ease, and our belief that there is much which can be accomplished in this area on an industrywide basis which might not, for competitive reasons, be undertaken by individual manufacturers.

11. The Commission does not desire to limit the scope of the comments submitted in this proceeding but requests, in particular, that comments be addressed to the following matters:

(a) The present technological capability of the industry to eliminate or reduce disparities in the ease of tuning UHF and VHF channels.

(b) The plans of individual firms to introduce tuning features which will eliminate or reduce disparities in tuning UHF and VHF channels. Of particular interest is the timing of such changes and whether changes will be introduced in lower-priced models.

(c) The specific terms and substance of Commission regulation, including such matters as an appropriate effective date and possible different standards in the case of low cost or small receivers.

(d) The effect of Commission regulation on the price of receivers, receiver sales, and industry research and development programs. We would hope, on the one hand, that regulation might stimulate the development of tuning systems which eliminate disparities in the ease of tuning UHF and VHF channels. On the other hand, we wish to avoid action which could straight-jacket or diminish research efforts relating to tuner performance and tuning aids.

If materials are submitted in response to this notice which contain, "trade secrets or which contain commercial, financial, or technical data which would customarily be guarded from competitors" (see 47 CFR 0.457(d)), such materials should be precisely identified and, if feasible, physically separated from materials of a public nature (see 47 CFR 0.459). If these precautions are taken, such materials will not be made available for public inspection or the information therein disclosed, except under the provisions of 47 CFR 0.461, which provides, among other things, for judicial consideration prior to implementation of any Commission action authorizing such inspection or disclosure.

12. Authority for the adoption of regulations requiring that television broadcast receivers be capable of adequately receiving all frequencies allocated to television is contained in sections 4(i), 303 (r) and (s), and 330 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 (r) and (s), and 330.

13. Pursuant to applicable procedures set forth in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments in this proceeding on or before March 21, 1969, and reply comments on or before April 4, 1969. All relevant and timely comments and reply comments will be considered by the Commission prior to final action in this proceeding. In reaching its decision, the Commission may take into account other relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, an original and 14 copies of all comments, reply comments, and other materials shall be furnished the Commission.

Adopted: January 29, 1969.

Released: January 31, 1969.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-1467; Filed, Feb. 4, 1969; 8:47 a.m.]

[5] In certain models, for example, detent tuning has been provided for the UHF channels. In others, the controls for UHF and VHF channels have been combined on a single knob.

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1968 Rev., Supp. No. 9]

COMMERCIAL UNION INSURANCE COMPANY OF NEW YORK AND COMMERCIAL UNION INSURANCE COMPANY OF AMERICA

Termination of Authority To Qualify as Surety on Federal Bonds; Acceptable Surety Company on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Commercial Union Insurance Company of New York, New York, N.Y., under sections 6 to 13 of title 6 of the United States Code, to qualify as an acceptable surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, is hereby terminated effective as of midnight December 31, 1968.

Pursuant to an Agreement of Merger, effective midnight December 31, 1968, approved by the Superintendent of Insurance of the State of New York on December 27, 1968, and the Commissioner of Insurance of the Commonwealth of Massachusetts on December 26, 1968, Commercial Union Insurance Company of New York, New York, N.Y., a New York corporation, merged into Commercial Union Insurance Company of America, Boston, Mass., a Massachusetts corporation, which is the surviving corporation. Commercial Union Insurance Company of America acquired all of the business and assets and assumed all the liabilities of Commercial Union Insurance Company of New York, which ceases to exist as a separate entity. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury under date of December 31, 1968, to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $13,011,000 has been established for the company, effective January 1, 1969.

Name of company, location of principal executive office, and State in which incorporated:

Commercial Union Insurance Company
of America
Boston, Mass.
Massachusetts

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1968, by Commercial Union Insurance Company of New York, pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

Dated: January 30, 1969.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 69-1489; Filed, Feb. 4, 1969; 8:49 a.m.]

Office of Foreign Assets Control

NICKEL GRANULES (GRAINS) FROM THE U.S.S.R.

Detention by Customs

The Office of Foreign Assets Control has reason to believe that nickel granules made in the U.S.S.R. may be made or derived in whole or in part from forms of nickel which are of Cuban origin.

Notice is hereby given that, effective as of February 5, 1969, imports of nickel granules directly or indirectly from the U.S.S.R. will be detained by Customs until such time as their release from Customs custody, or other disposition thereof, is authorized by the Office of Foreign Assets Control under the provisions of the Cuban Assets Control Regulations (31 CFR Part 515).

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-1526; Filed, Feb. 4, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. N-1575]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple-Use Management

Correction

In F.R. Doc. 69-938 appearing at page 1193 in the issue of Friday, January 24, 1969, paragraph 2 and part of paragraph 3 were inadvertently omitted. The following paragraph 2 and portion of paragraph 3 should be inserted immediately preceding the Virgin Mountains land description on page 1193:

2. The public lands located within the following described area are shown on maps designated N-1575 on file in the Las Vegas District Office, Bureau of Land Management, 1859 North Decatur Boulevard, Las Vegas, Nev. 89108, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502:

The overall description of the area is as follows:

CLARK COUNTY

MOUNT DIABLO MERIDIAN, NEVADA

The public lands proposed to be classified are wholly located within Clark County, Nev.

The area described aggregates approximately 2,074,900 acres.

3. The public lands listed below are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

CABIN CANYON

T. 14 S., R. 71 E.,
Sec. 33, SW¼.
T. 15 S., R. 71 E.,
Sec. 4, NW¼.

INDIAN SEEPS CAMP

T. 15 S., R. 70 E.,
Sec. 1, W½;
Sec. 2, All;
Sec. 12, NW¼.

WIREGRASS SPRING

T. 15 S., R. 71 E.,
Sec. 17, S½SE¼.

IDAHO

Notice of Filing of Plats of Survey

JANUARY 28, 1969.

1. Plats of survey for the following described land, accepted October 7 and 22, 1968, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on March 14, 1969:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 37 E.,
Sec. 3, lots 11, 12, and 13;
Sec. 10, lots 9 to 12, inclusive;
Sec. 15, lots 4 and 5;
Sec. 16, lots 8 to 11, inclusive;
Sec. 17, lots 7 to 12, inclusive;
Sec. 18, lot 9;
Sec. 19, lots 11 to 16, inclusive;
Sec. 29, lots 5, 6 and 7;
Sec. 30, lots 12 to 15, inclusive;
Sec. 31, lots 9 and 10;
Sec. 32, lots 5 and 6.

T. 3 N., R. 41 E.,
Sec. 5, lots 9 to 12, inclusive;
Sec. 6, lots 8 to 12, inclusive;
Sec. 8, lots 9 to 14, inclusive;
Sec. 9, lots 5 to 8, inclusive;
Sec. 10, lot 3;
Sec. 11, lots 6 and 7;
Sec. 14, lots 6 to 11, inclusive;
Sec. 15, lots 9 to 19, inclusive;
Sec. 16, lots 7 to 11, inclusive.

The areas described aggregate 1,054.82 acres.

2. The lands involve dependent resurveys, survey of islands and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2214.6–1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Land Office Manager,
Boise, Idaho.

[F.R. Doc. 69–1449; Filed, Feb. 4, 1969; 8:45 a.m.]

National Park Service

[Order No. 43, Amdt. 1]

SUPERINTENDENT, INDEPENDENCE NATIONAL HISTORICAL PARK

Delegation of Authority Regarding Philadelphia Planning and Service Center

This amendment to Order No. 43, approved August 4, 1967, and published at 32 F.R. 12567 on August 30, 1967, adds a new section 3, as follows:

3. The Superintendent, Independence National Historical Park, may enter into and administer contracts not in excess of $50,000 for supplies, equipment, or services for the Philadelphia Planning and Service Center.

Present section 3, Revocation, is hereby renumbered as section 4, Revocation. (205 DM 11.1; 26 F.R. 11748; 245 DM 1; 27 F.R. 6395).

Dated: January 17, 1969.

C. P. MONTGOMERY,
Assistant Director.

[F.R. Doc. 69–1459; Filed, Feb. 4, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DEPUTY ADMINISTRATOR, STATE AND COUNTY OPERATIONS

Delegation of Authority

The delegation of authority in 33 F.R. 4275 published March 7, 1968 as an amendment to Division V B of the Agricultural Stabilization and Conservation Service Statement of Organization, Functions, and Delegations of Authority (33 F.R. 542, Jan. 16, 1968), is repealed.

The delegation of authority to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service is reissued as a separate delegation of authority, as follows:

Authority is delegated to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service to promulgate by publication in the FEDERAL REGISTER, determinations made by ASC State or county committees, the Executive Director of the Hawaii State Agricultural Stabilization and Conservation Service Office, and the Director, Caribbean Area Agricultural Stabilization and Conservation Service Office, designating local producing areas for purposes of considering eligibility of producers for abandonment of crop deficiency payment, or for prevented acreage credit under the Sugar Act of 1948, as amended, and regulations issued pursuant thereto.

Signed at Washington, D.C., on January 30, 1969.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69–1460; Filed, Feb. 4, 1969; 8:46 a.m.]

Forest Service

TIMBER AVAILABLE FOR EXPORT

Determination

Notice is hereby given that Orville L. Freeman, Secretary of Agriculture, made the following determination which is set forth in a memorandum dated January 3, 1969, to the Chief, Forest Service:

The Record of the December 6, 1968, hearing held at Portland, Oreg., in accordance with the provisions of the Act of April 12, 1926 (16 U.S.C. 616), as amended by Part IV of the Foreign Assistance Act of 1968, to determine the surplus status of Port-Orford-cedar and Alaska yellow-cedar has been reviewed, and I have arrived at the following determination:

1. Alaska yellow-cedar harvested from the National Forests of Washington, Oregon, and California is not being used domestically at this time, and is surplus to the needs of domestic users and processors. Any volumes of this species sold from such National Forests during the period January 1, 1969, through December 31, 1971, are designated as available for export from the United States in addition to the statutory limitation of 350 million board feet per year which may be sold for export.

2. Port-Orford-cedar harvested as a minor species in timber sales on the National Forests of Washington, Oregon, and California has no general domestic market and is surplus to the needs of domestic users and processors. Quantities of this species sold from such National Forests, during the period January 1, 1969, through December 31, 1971, are hereby designated as available for export from the United States in addition to the statutory limitation of 350 million board feet per year which may be sold for export. Minor quantities of old dead and down Port-Orford-cedar suitable for use by the arrow shaft industry may be sold during this period, in sales designated as "Arrow Wood Sales" and, when sold in this manner, sale contracts shall include a provision requiring that the included timber be processed domestically.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 69–1461; Filed, Feb. 4, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

IOWA STATE UNIVERSITY

Amendment to Notice of Application for Duty-Free Entry of Scientific Article

The following notice of application published in Volume 33, No. 175 of the FEDERAL REGISTER (Saturday, Sept. 7, 1968) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) is hereby amended to read: Docket No. 69–00116–00–46040 instead of Docket No. 69–00116–00–77040.

Docket No. 69–00116–00–46040. Applicant: Iowa State University, Ames, Iowa 50010. Article: Spectrometer attachment for an existing electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to upgrade an existing electron microscope to a high performance, research level instrument, as required for current research. Application received by Commissioner of Customs: August 18, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–1440; Filed, Feb. 4, 1969; 8:45 a.m.]

IOWA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the

Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00116–00–46040. Applicant: Iowa State University, Ames, Iowa 50010. Article: Spectrometer attachment for an existing electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to upgrade an existing electron miscroscope to a high performance, research level instrument, as required for current research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article, a spectrometer attachment, is an accessory to an electron microscope, now in the applicant's possession, which was manufactured by Siemens AG, West Germany. The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or adaptable to the purpose for which the foreign article is intended.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–1441; Filed, Feb. 4, 1969; 8:45 a.m.]

UNIVERSITY OF IOWA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains, and mailed or delivered to the applicant.

Docket No. 69–00358–33–46500 Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Ultra microtome, Model SIDEA "OmU2". Manufacturer: C. Reichert Optische Werke A.C. Austria. Intended use of article: The article will be used for the preparation of animal and human tissues for electron microscopy. Some of the human tissue is obtained at necropsy and is much more difficult to section than tissue obtained from experimental animals where conditions can be controlled.

It is necessary to be able to cut serial sections in the 200–400 angstrom range to get the degree of high magnification and resolution necessary for some of our research projects as listed below:

1. Identification of viral agents in undiagnosed infections in autopsy material of the lung.
2. Study of viral particles in brains of patients with subacute sclerosing panencephalitis.
3. Study of "target fiber" formation in muscle.
4. Mechanism of puromycin-induced pancreatic necrosis.
5. Early ultrastructural changes in pancreas during pancreatitis induced by duct ligation.
6. Investigation of the effects of rheumatoid arthritis in the synovial membrane and rheumatoid nodule.
7. A study of ligaments exercised and immobilized animals.
8. Their recovery after section and suture. Hormonal influences in hypophysectomized animals on the healing of ligaments.
9. The influence of local steroids in the collagen content of cutaneous scars and kelloid.

Application received by Commissioner of Customs: January 3, 1969.

Docket No. 69–00363–01–77030. Applicant: Furman University, Greenville, S.C. 29613. Article: Nuclear magnetic resonance spectrometer, Model R–20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following:

a. Routine analysis of proton nuclear magnetic resonance spectra for structural determinations;
b. Kinetic and thermodynamic studies in acetal-aldehyde (ketone) systems which require excellent temperature control.
c. Kinetic and thermodynamic studies in conformational equilibrium in medium ring alicyclic systems studies which require good temperature control.
d. Studies of the properties of certain aqueous solutions.
e. Instructional purposes. It will be used as in (a) for demonstration purposes for an analytical chemistry course. The students will learn to use the instrument in sophomore and junior level laboratory courses. All graduate students and faculty will also have access to the instrument for research.

Application received by Commissioner of Customs: January 10, 1969.

Docket No. 69–00364–75–77040. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Mass spectrometer system, Model CH 7. Manufacturer: Varian Mat. GMBH, West Germany. Intended use of article: The article will be used primarily to identify failed nuclear reactor fuel assemblies. This identification is accomplished by tagging each fuel assembly with xenon gas comprised of a mixture of xenon isotopes in an unique combination whose isotopic ratios are accurately known at the time of fuel fabrication. Hence, upon failure, this tag xenon gas is released into the argon gas blanket that mantles the reactor. Application received by Commissioner of Customs: January 13, 1969.

Docket No. 69–00365–01–77040. Applicant: The City College of The City University of New York, Convent Avenue and 138th Street, New York, N.Y. 10031. Article: Mass spectrometer, Model CH–5. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used in an active graduate school research program of organic, inorganic, physical, and analytical chemistry to compliment and assist our total research effort toward the following general objectives:

a. Confirmation of the structure of organic materials, including very high molecular weight macrocyclic compounds, polymers, alkaloids, terpenes, and unstable materials such as peroxides and organometallics.
b. Identification of major and minor constituents and impurities in naturally occurring and synthetic complex mixtures of materials by combining gas chromatographic and mass spectrographic techniques.
c. Studies of Kinetics and reaction mechanisms of organic and inorganic materials including measurements of metastable ions, appearance potentials, positive ions, and measurements at variable temperature and pressures.

Application received by Commissioner of Customs: January 13, 1969.

Docket No. 69–00367–65–82600. Applicant: State University of New York at Stony Brook, Stony Brook, N.Y. 11790. Article: Thermoanalyzer, vacuum recording. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used for regulating and studying properties of materials which require simultaneously high vaccum because of their sensitivity to oxidation and high temperature because of their high melting points. This equipment is for analyzing and conducting experiments in the extreme end of the spectrum of temperature and vacuum conditions. Application received by Commissioner of Customs: January 14, 1969.

Docket No. 69–00368–01–10100. Applicant: Scripps Clinic and Research Foundation, 476 Prospect Street, La Jolla, Calif. 92037. Article: Temperature jump apparatus and accessories. Manufacturer: Messanlagen Studiengesellschaft MBH, West Germany. Intended use of article: The article will be used to investigate very fast chemical reactions occurring in the microsecond time range. It is essential in these studies to obtain the shortest possible heating time. Application received by Commissioner of Customs: January 14, 1969.

Docket No. 69–00369–33–46500. Applicant: Attending Staff Association, Harbor General Hospital, 1000 West Carson Street, Torrance, Calif. 90509. Article: Ultramicrotome, Model LKB 4800A, Ultrotome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The LKB microtome will be used by the fellows and residents in the preparation of thin sections for viewing with the electron microscope. The types of materials to be sectioned by the ultramicrotome will vary according to the needs of the electron microscopist. However, we must have an ultramicrotome which will cut long series of equal thickness serial sections. The thickness of these sections should be between the values 50 Å to 2 microns and it should be possible to easily and rapidly change the serial section thickness. The simplicity of operation of the LKB will enable fellows and residents to produce satsifactory sections in a much shorter period of time than will any other instrument presently on the market. Application received by Commissioner of Customs: January 15, 1969.

Docket No. 69–00370–91–46500. Applicant: University of Missouri, Department of Botany, 100 LeFevre Hall, Columbia, Mo. 65201. Article: Ultramicrotome, LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies concerning chromosome ultrastructure in microsporocytes of Lilium. The cells are sectioned in both ultrathin section for electron microscopy and in thicker section for light microscopy. Different stages of meiosis will be prepared for study. The ultrathin sections needed must be prepared in long series and must be cut in equal thickness throughout. In order to correlate the ultrastructural observations with meiotic stage thicker sections adjacent to the thick sections must be cut for examination in the light microscope and it is therefore imperative that the operator be able to quickly and easily change the cutting thickness anywhere for 50 Å to 2 microns. Application received by Commissioner of Customs: January 15, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–1442; Filed, Feb. 4, 1969; 8:45 a.m.]

UNIVERSITY OF KENTUCKY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00015–33–46040. Applicant: University of Kentucky, College of Agriculture, Agriculture Science Building, Lexington, Ky 40506. Article: Electron microscope, Model JEM–7A, and high contrast accessory. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used for research in the following areas:

1. Study of fine structure of protein subunits in a mature virus particle, in particles being disrupted shortly after infection, and in particles being synthesized in infected cells.
2. Determination of the distribution of radioisotope labeled metal elements, as well as amino acid in and around mitochondrial membrane fragments.
3. Study of the effects of certain toxicants on the ultrastructure of biological membranes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (prior to June 1968). Reasons: The foreign article has a guaranteed resolution of 5 angstroms. The only domestic electron microscope available prior to July 1, 1968, was the Model EMU–4 which was manufactured by the Radio Corporation of America (RCA). The RCA Model EMU–4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) The additional resolution of the foreign article is considered pertinent to the purposes for which this article is intended to be used. For this reason, we find that the RCA Model EMU–4 was not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States and available at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–1443; Filed, Feb. 4, 1969; 8:45 a.m.]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00072–01–10100. Applicant: University of Virginia School of Medicine, Department of Biochemistry, Charlottesville, Va. 22901. Article: Temperature-jump pulse generator and accessories, Model 24. Manufacturer: Messanlagen Studiengesellschaft M.B.H., West Germany. Intended use of article: The article will be used to measure the very fast chemical reactions, ranging from 10^{-6} to 10^{0} seconds in solution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. Reasons: The foreign article employs a recently developed temperature jump technique which is intended to be used in research on fast reaction kinetics. We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 28, 1968 that Beckman Instruments, Inc., and the American Instrument Co., Inc., have recently introduced temperature jump apparatus but that at the time the applicant ordered the foreign article no scientifically equivalent article was known to be manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the applicant placed the order for the foreign article.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–1444; Filed, Feb. 4, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AH-NBC CAPSULES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: AH-NBC Capsules—a preparation containing 6.6 milligrams of arecoline hydrobromide and 75.5 percent of *N*-butyl chloride per capsule (4 cubic centimeters) and marketed by Diamond Laboratories, Inc., Box 863, Des Moines, Iowa 50317.

The Academy concludes that the above preparation is an effective anthelmintic for the removal of hookworms, ascarids, and *Taenia* species from dogs. The Food and Drug Administration concurs with this evaluation.

Supplemental new-drug applications are invited to revise the labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For the removal of hookworms (*Ancylostoma*), large roundworms (*Ascaris*), and tapeworms (*Taenia*) from dogs.

DOSAGE AND ADMINISTRATION

Withhold feed 12–24 hours before dosing. Administer one capsule (4 cubic centimeters) for each 10 pounds of body weight up to 50 pounds. Do not give more than a total of 20 cubic centimeters in one dose. Dosage should be immediately preceded by a light meal.

CONTRAINDICATIONS

Do not give to very young animals (under 4 months) in debilitated condition or in cases of severe circulatory disturbances or of severe catarrhal infections of the intestine.

CAUTION: Keep out of the reach of children.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1478; Filed, Feb. 4, 1969; 8:48 a.m.]

DR. MAYFIELD LARGE ROUNDWORM TABLETS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Dr. Mayfield Large Roundworm Tablets; contains antimonyl potassium tartrate (6.7 grains per tablet expressed as antimony trioxide); marketed by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

The Academy concludes that the drug is probably not effective for the removal of large roundworms from chickens and that the available data are inadequate to establish efficacy claims for large roundworms. The Food and Drug Administration concurs with the conclusions of the Academy.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new-drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 24, 1969.

HERBERT L. LEY, JR.,
Commissioner of Foods and Drugs.

[F.R. Doc. 69–1479; Filed, Feb. 4, 1969; 8:48 a.m.]

GLOVER'S IMPERIAL DOG CAPSULES

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Glover's Imperial Dog Capsules; contains 844.0 milligrams of *N*-butyl chloride per 1.0 cubic centimeter; marketed by H. Clay Glover Co., Inc. 1001 Franklin Avenue, Garden City, N.Y. 11530.

The Academy concludes that the above preparation is effective for the removal of roundworms (ascarids) and hookworms from dogs. The Food and Drug Administration concurs with this evaluation.

Supplemental new-drug applications are invited to revise labeling provided in new-drug applications for this drug to limit the claims and present the conditions of use substantially as follows:

INDICATIONS

For the removal of ascarids (*Toxocara canis* and *Toxascaris leonia*) and hookworms (*Ancylostoma caninum, Ancylostoma braziliense,* and *Uncinaria stenocephala*) from dogs.

DOSAGE AND ADMINISTRATION

Following an 18–24 hour fast, administer orally to dogs as follows:

Weight (pounds)	*Amount (cubic centimeters)*
under 5	1
5–10	2
10–20	3
20–40	4
over 40	5

Administer a mild cathartic 30–60 minutes following treatment. Dog may be returned to normal rations 4–8 hours after medication.

SIDE EFFECTS

Vomiting will occur in some dogs.

CAUTION: Consult a veterinarian before using in severely debilitated dogs.

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new-drug applications which have inadequate labeling in that it differs from the labeling presented above are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for the drug listed above has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to that drug or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1480; Filed, Feb. 4, 1969; 8:48 a.m.]

TYMPANOL

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation: Tympanol; contains 2.5 grams of polymerized methyl silicone per 100 cubic centimeters; marketed by Jensen-Salsbery Laboratories, division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141.

The Academy evaluated this drug as probably not effective for treatment of frothy bloat in ruminants as claimed in the label. More valid data are needed to support the claim. The Food and Drug Administration concurs with this evaluation.

This evaluation of the drug is concerned only with its effectiveness and safety to the animal to which it is administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing in this announcement will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform all holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

The holder of the new-drug application for this drug is provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including request for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to it or any other interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relation Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69–1481; Filed, Feb. 4, 1969; 8:48 a.m.]

DIAMOND SHAMROCK CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0780) has been filed by Diamond Shamrock Corp., Post Office Box 348, Painesville, Ohio 44077, proposing the establishment of tolerances (21 CFR 120.185) for negligible residues of the herbicide dimethyl 2,3,5,6-tetrachloroterephthalate and its metabolites (monomethyl 2,3,5,6-tetrachloroterephthalate and 2,3,5,6-tetrachloroterephthalic acid) in or on the raw agricultural commodities: Corn grain (field) and sweet corn (husk removed) at 0.05 part per million; and corn forage (field and sweet) at 0.4 part per million.

The analytical methods proposed in the petition for determining residues of the herbicide and its metabolites are: (1) The colorimetric method of Schuldt et al., as published in "Contributions, Boyce Thompson Institute," vol. 21, page 163 (1961); and (2) extraction of the residues with methylene chloride, cleanup by passage through an alumina column, and determination of the residues by a microcoulometric gas chromatographic technique.

Dated: January 23, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–1482; Filed, Feb. 4, 1969; 8:48 a.m.]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, has withdrawn its petition (PP 9F0749), notice of which was published in the FEDERAL REGISTER of September 19, 1968 (33 F.R. 14184), proposing the establishment of a tolerance of 5 parts per million for residues of the herbicide dalapon sodium salt, calculated as dalapon (2,2-dichloropropionic acid), in or on the raw agricultural commodity lemons.

Dated: January 24, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69–1483; Filed, Feb. 4, 1969; 8:48 a.m.]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0791) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide trichlorobenzyl chloride and its metabolite trichlorobenzoic acid in or on the raw agricultural commodities corn forage and fodder (including field corn, popcorn, and sweet corn) at 0.1 part per million; in eggs and in meat, fat, and meat byprdoucts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million; and in milk and in or on corn grain including field corn, popcorn, and sweet corn (kernels plus cobs with husk removed) at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a gas chromatographic procedure utilizing an electron capture detection system. The metabolite is chromatographed as the methyl ester.

Dated: January 24, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-1484; Filed, Feb. 4, 1969; 8:48 a.m.]

RICHARDSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2389) has been filed by The Richardson Co., 2700 Lake Street, Melrose Park, Ill. 60160, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of styrene-methyl methacrylate copolymers as components of semirigid and rigid plastic food-contact articles. The copolymers will be produced using the adjuvants listed currently in § 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics* and will contain more than 50 weight percent of polymer units derived from styrene.

Dated: January 28, 1969.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 69-1485; Filed, Feb. 4, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HUD OFFICERS AND EMPLOYEES

Temporary Suspension of Certain Delegations and Redelegations of Authority To Approve Grants, Contracts, Other Subsidies, Loans, Commitments, or Reservations

In an effort to familiarize my staff and the incoming Assistant Secretaries and their staffs with the matters within this Department, it is requested that a summary of all proposed grants, contracts, subsidies, loans, commitments, or reservations contemplated or in process to be approved, increased, or acted upon in any way within the next 30 days be forwarded to this office for review and consideration. The accompanying comments and recommendations of those persons normally responsible for action decisions will be appreciated. Until further notice, all delegations and redelegations of authority to HUD officers and employees to approve, execute, or increase the amount of any grant, contract, subsidy, loan, commitment, or reservation in the following programs are hereby temporarily suspended. Please call to my attention any proposed action the delay of which would have adverse consequences.

A—ASSISTANT SECRETARY FOR MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

1. Rent supplements for disadvantaged persons under section 101 of the Housing and Urban Development Act of 1965.

B—ASSISTANT SECRETARY FOR RENEWAL AND HOUSING ASSISTANCE

I. RENEWAL ASSISTANCE ADMINISTRATION

1. Slum clearance and urban renewal program under Title I of the Housing Act of 1949 and section 53 of the Alaska Omnibus Act.

2. Neighborhood facilities grant program under sections 703 and 705 of the Housing and Urban Development Act of 1965.

II. HOUSING ASSISTANCE ADMINISTRATION

1. Low-rent public housing program under the U.S. Housing Act of 1937.

C—ASSISTANT SECRETARY FOR METROPOLITAN DEVELOPMENT

1. Urban planning assistance program under section 701 of the Housing Act of 1954.

2. Basic water and sewer facilities grant program under section 702 of the Housing and Urban Development Act of 1965.

3. Open-space land and urban beautification programs under Title VII of the Housing Act of 1961.

4. Community development training programs under Part 1 of Title VIII of the Housing Act of 1964.

D—ASSISTANT SECRETARY FOR MODEL CITIES AND GOVERNMENT RELATIONS

1. Model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966.

E—DIRECTOR, OFFICE OF URBAN TECHNOLOGY AND RESEARCH

1. Research and studies relating to housing and urban problems under Title III of the Housing Act of 1948; section 602 of the Housing Act of 1956; and sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966.

2. Urban renewal demonstration program under section 314 of the Housing Act of 1954.

3. Low-income housing demonstration program under section 207 of the Housing Act of 1961.

4. Surveys relative to State and local public works under section 702(f) of the Housing Act of 1954.

5. Studies, research, and demonstration projects on comprehensive urban planning, and grants for research on State statutes affecting local governments under section 701(b) of the Housing Act of 1954.

6. Technical assistance to State and local public bodies, studies, and publications relative to open-space land, urban beautification and improvement, and historic preservation under section 708 (a) and (b) of the Housing Act of 1961.

(Sec. 3(a), Department of HUD Act, 42 U.S.C. 3532(a))

Effective date. This notice shall be effective at the time the notice is filed for public inspection at the Office of the Federal Register.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-1541; Filed, Feb. 4, 1969; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-168]

GREAT FALLS, MONT., AS PORT OF DOCUMENTATION

Revocation of the Designation

Notice of the proposed revocation of the designation of Great Falls as a port of documentation and the transfer of the documentation records to the offices of the Officers in Charge, Marine Inspection at Seattle, Wash., and Portland, Oreg., as appropriate, was published in the FEDERAL REGISTER of November 14, 1968 (33 F.R. 16607) as CGFR 68-119.

By virtue of the authority contained in 14 U.S.C. 633, section 2 of Act of July 5, 1884, as amended (46 U.S.C. 2), section 1 of Act of February 16, 1925, as amended (46 U.S.C. 18), and subsection 6(b) of Department of Transportation Act (49 U.S.C. 1655(b)) and the delegation of authority of the Secretary of Transportation in 49 CFR 1.4(a)(2), the following action is hereby taken effective March 1, 1969:

(a) The designation of Great Falls, Mont., as a port of documentation is revoked;

(b) The documentation records at Great Falls, Mont., of those owners residing in the Seattle Marine Inspection Zone are transferred to the Office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Seattle, Wash., and those residing in the Portland Marine Inspection Zone are transferred to the Office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Portland, Oreg.

(c) Seattle is designated as home port of all vessels now having Great Falls as home port whose owners reside in the Seattle Marine Inspection Zone and Portland as the home port of those vessels whose owners reside in the Portland Marine Inspection Zone.

Vessels marked with the name of Great Falls as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder for a period of 2 years from the effective date of this order.

Dated: January 23, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 69-1453; Filed, Feb. 4, 1969; 8:46 a.m]

Office of the Secretary

AIR PRIORITIES

Revocation of Interim Policies and Procedures

The Office of Emergency Transportation issued Planning Order OET–P–1 on June 22, 1963 (28 F.R. 6469) as an interim plan for control of the movement of air traffic in the event of national emergency, pending the issuance by the Civil Aeronautics Board of an order for priority control pursuant to Executive Order No. 11090 of February 26, 1963 (28 F.R. 1841).

Pursuant to the Executive Order, the Civil Aeronautics Board issued its order in this matter on January 28, 1969 (34 F.R. 1332) thereby superseding Order OET–P–1. For this reason, OET–P–1 is hereby revoked, effective upon publication of this order in the FEDERAL REGISTER.

Issued in Washington, D.C., on January 30, 1969.

J. L. MCGRUDER,
Director, Office of Emergency Transportation.

[F.R. Doc. 69–1457; Filed, Feb. 4, 1969; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m. local time, on March 25, 1969, in the Hendrick Hudson High School, Albany Post Road, Montrose, N.Y., to consider the application filed under section 104b. of the Act by Consolidated Edison Company of New York, Inc. (the applicant), for a provisional construction permit for a pressurized water reactor designed to operate initially at 3,025 megawatts (thermal) located at the applicant's 250 acre site on the east bank of the Hudson River at Indian Point, Village of Buchanan, in upper Westchester County, N.Y., located approximately 24 miles north of the New York City boundary line.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. John C. Geyer, Baltimore, Md.; Dr. David B. Hall, Los Alamos, N. Mex.; and Samuel W. Jensch, Esq., Chairman, Washington, D.C. Dr. Thomas H. Pigford, Waltham, Mass., has been designated as a technically qualified alternate and J. D. Bond, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the Board at 10 a.m., local time, on March 11, 1969, in Room 1027 at the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and Section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings of Item Numbers 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix "A" hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the village of Buchanan Office, Westchester Avenue, Buchanan, N.Y., for inspection by members of the public each weekday between the hours of 9 a.m. and 5 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by March 7, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than March 7, 1969, or in the event of postponement of the prehearing conference, at such time as the Board may specify. The petition shall set forth

the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before March 7, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 31st day of January 1969.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary.

APPENDIX A—CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

(Indian Point Nuclear Generating Unit No. 3)

[Docket No. 50-286]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. ———.

1. Pursuant to § 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Consolidated Edison Company of New York, Inc. (the applicant), for a utilization facility (the facility), designed to operate at 3,025 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Indian Point Nuclear Generating Unit No. 3, will be located at the applicant's 250-acre site on the east bank of the Hudson River at Indian Point, village of Buchanan in upper Westchester County, N.Y., located approximately 24 miles north of the New York City boundary line.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is March 1, 1972, and the latest date for completion of the facility is September 1, 1972.

B. The facility shall be constructed and located at the site as described in the application in the upper part of Westchester County, N.Y.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-1520; Filed, Feb. 4, 1969; 8:49 a.m.]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Continuance of Hearing on Financial Qualifications

The hearing on financial qualifications of which notice was given in 33 FEDERAL REGISTER 19861 and 34 FEDERAL REGISTER 524 published December 27, 1968, and January 14, 1969, respectively, has been continued by order of this Atomic Safety and Licensing Board to February 18, 1969, said hearing to be reconvened on that date at 10 a.m., local time, at the General Services Administration Auditorium, 18th and F Streets NW., Washington, D.C.

It is hereby ordered, That notice of this continuance shall be published in the FEDERAL REGISTER.

Issued: January 31, 1969, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 69-1521; Filed, Feb. 4, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20492]

EXECAIRE AVIATION LTD.

Notice of Hearing

This proceeding was set for hearing on January 21, 1969, but due to the absence of the reporter and since the applicant was unable to go forward with the case at that time, the hearing was indefinitely postponed.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on February 11, 1969, at 10 a.m., e.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., January 30, 1969.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 69-1486; Filed, Feb. 4, 1969; 8:49 a.m.]

[Docket No. 18650; Order 69-1-136]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Rounding Off Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of January 1969.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement proposes revisions to the IATA resolution governing the rounding off of cargo rates. In general, the revisions delete reference to rounding off charges for excess baggage, since these provisions have been incorporated in those pertaining to the rounding off of passenger fares, and update the names of countries and currencies specified in the basic resolution.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the following resolutions, which are incorporated in the above-designated agreement, to be adverse to the public interest or in violation of the Act:

IATA Resolutions:
100(Mail 571)023b.
200(Mail 875)023b.
300(Mail 286)023b.
JT12(Mail 571)023b.
JT23(Mail 210)023b.
JT31(Mail 157)023b.
JT123(Mail 571)023b.

Accordingly, it is ordered, That: Agreement CAB 20723 is approved.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-1487; Filed, Feb. 4, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-198]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 29, 1969.

Take notice that on January 23, 1969, Colorado Interstate Gas Company, a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP69-198 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct and operate a new meter station, Brandon Station, for delivery of natural gas to Plateau Natural Gas Co. (Plateau) at a point located in Sec. 28, T. 18 S., R. 44 W., Kiowa County, Colo.

Applicant states that gas delivered at the proposed meter station will be sold by Plateau to the operators of the Brandon Oil Field to meet the fuel requirements of the field's operating equipment.

Total cost of the proposed facilities is estimated at $16,101. Financing will be obtained from funds on hand, funds from operations, or short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1445; Filed, Feb. 4, 1969; 8:45 a.m.]

[Docket No. CP69-197]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

JANUARY 29, 1969.

Take notice that on January 22, 1969, Great Lakes Gas Transmission Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate three sales measuring stations to provide new delivery points for Michigan Consolidated Gas Co. (Michigan Consolidated), an existing resale customer. The delivery points will be located near Marenisco and Watersmeet in the Upper Peninsula and near Makinaw City in the northern part of the Lower Peninsula of Michigan.

The application states that the Makinaw City delivery point will be utilized to supply additional gas to Michigan Consolidated's existing distribution system at Mackinaw City, thereby obviating the need for extensive looping of Michigan Consolidated's existing transmission system. Applicant further states that the Watersmeet and Marenisco delivery points will enable Michigan Consolidated to provide natural gas to the Watersmeet and Marenisco communities without the necessity of extending its existing transmission facilities from Iron River, Mich., to those communities.

Total estimated cost of the proposed facilities is $74,660, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1446; Filed, Feb. 4, 1969; 8:45 a.m.]

[Docket No. CP69-200]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JANUARY 29, 1969.

Take notice that on January 24, 1969, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, N. Dak. 58501, filed in Docket No. CP69-200 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate for the 12-month period ending March 31, 1970, certain gas sales and transmission facilities for the purpose of making direct sales of natural gas to consumers for seasonal industrial purposes and authorization for the transportation and sale of volumes of natural gas previously authorized under certificates to existing distributors, at rates on file with the Commission, for resale in the existing market areas.

Total estimated cost of Applicant's proposed facilities will not exceed $180,000 and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 27, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1447; Filed, Feb. 4, 1969; 8:45 a.m.]

[Docket No. CP69-195]

TEXAS GAS TRANSMISSION CO.

Notice of Application

JANUARY 29, 1969.

Take notice that on January 21, 1969, Texas Gas Transmission Co. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP69-195 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing March 11, 1969, and the operation of certain natural gas delivery points to enable Applicant to sell and deliver natural gas to its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate requested is to augment Applicant's ability to supply, with the least possible delay, the natural gas requirements of its distributors in existing market areas.

The total cost of the natural gas facilities proposed is not to exceed $100,000, with no single project costing more than $15,000. Applicant states that these amounts will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 24, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-1448; Filed, Feb. 4, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry and Withdrawal From Warehouse for Consumption

JANUARY 31, 1969.

On January 11, 1968, there was published in the FEDERAL REGISTER (33 F.R. 430) a letter dated December 27, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1968. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of January 31, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs increasing the level of restraint applicable to cotton textiles in Category 26 (duck only) for the 12-month period which began on January 1, 1968, and reducing the charges previously made against the level of restraint for Category 26 (duck only) for that period, to reflect certain exports during the agreement year which began on January 1, 1967, which were charged against the level for the period January 1, 1968, through December 31, 1968.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

JANUARY 31, 1969.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: On December 27, 1967, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1968, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1967, the level of restraint provided in that directive for cotton textiles in Category 26 (duck only),[2] produced or manufactured in the Republic of Korea and exported to the United States during the period beginning January 1, 1968, and extending through December 31, 1968, is hereby amended, to be effective as soon as possible, as follows:

Category	*Amended 12-Month level of restraint*
26 (duck only)[2]__ square yards__	12,127,500

Furthermore, and in accordance with the above-mentioned authorities, you are directed to reduce by 546,867 square yards the charges previously made against the level of restraint for cotton textiles in Category 26 (duck only),[2] produced or manufactured in the Republic of Korea and exported to the United States prior to January 1, 1969.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

[2] Only T.S.U.S.A. Nos.:

320	01 through 04, 06, 08
321	01 through 04, 06, 08
322	01 through 04, 06, 08
326	01 through 04, 06, 08
327	01 through 04, 06, 08
328	01 through 04, 06, 08

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69–1464; Filed, Feb. 4, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70–4637]

ROCKY RIVER REALTY CO. ET AL.

Notice of Post Effective Amendment Regarding Request by Nonutility Subsidiary Company of Registered Holding Company for Authorization To Negotiate Private Sale of First Mortgage Real Estate Bonds and Related Interim Bank Financing

JANUARY 30, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, and three of its subsidiary companies, Northeast Utilities Service Co. ("NUSCO"), Post Office Box 270, Hartford, Conn. 06101, a wholly owned system service company, The Connecticut Light and Power Co. ("CL&P"), Post Office Box 2010, Hartford, Conn. 06101, a public utility company and exempt holding company, and The Rocky River Realty Co. ("Rocky River"), a nonutility company, have filed with this Commission, pursuant to the provisions of sections 6(a), 7, 9(a), 10, 12 (b), (d), and (f), and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 45, and 50 (a)(5) promulgated thereunder, a post-effective amendment to the joint application-declaration in this matter. All interested persons are referred to the said amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Rocky River and CL&P own certain plots of land and buildings thereon in Berlin, Conn. ("Berlin Site"). Rocky River has presently outstanding $1,865,000 principal amount of 3.15 percent first mortgage bonds due 1981 ("Old Bonds"), which are secured by a lien on Rocky River's Berlin Site properties. By order dated July 2, 1968 (Holding Company Act Release No. 16105), the Commission authorized Rocky River to acquire CL&P's holdings of real property at the Berlin Site at the book value thereof of approximately $1,828,000, and to construct additional building facilities on the Berlin Site at an estimated cost of $8 million. To finance the proposed real estate transactions, Rocky River was further authorized to enter into negotiations for the private placement of $9,828,000 principal amount of new real estate mortgage bonds ("New Bonds") with the present holder of the Old Bonds and such other institutional investors as may be necessary to obtain most favorable financing arrangements. The Old Bonds would be left outstanding, or refunded with additional amounts of New Bonds on such a basis as would preserve the favorable terms of the Old Bonds. To provide interim financing until a satisfactory placement of the New Bonds could be concluded, Rocky River was also authorized by the terms of the aforesaid order dated July 2, 1968 to issue and sell up to $10 million principal amount of 2-year notes to commercial banks. Such notes would be repaid from proceeds of the sale of the New Bonds. Rocky River represented that, in its negotiations with prospective purchasers of the New Bonds, it would not accept any restrictions on the refundability of the New Bonds.

In their posteffective amendment, the applicants-declarants state that pursuant to the terms of the order dated July 2, 1968, they have negotiated with a number of institutional investors in an effort to effect a private placement of Rocky River's New Bonds and that none of such investors is willing to consider purchasing the New Bonds unless the refundability of such bonds is suitably restricted for a substantial period of time. Accordingly, the applicants-declarants request that they be relieved of their prior commitment not to agree to any restrictions against refundability of the New Bonds. It is further stated that, because of required additional improvements to the Berlin properties and unanticipated increases in construction costs, the total amount of new money necessary to consummate the proposed real estate transactions has increased from $9,828,000 to approximately $12,500,000. To finance such increases, it is further requested that the authorization heretofore granted by the terms of the Commission's order dated July 2, 1968, be increased so as to allow the applicants-declarants to negotiate for the issuance and private sale to one or more institutional investors of $12,600,000 aggregate principal amount of Rocky River's New Bonds (or $14,500,000 in the event the Old Bonds are required to be refunded), and to issue and sell to commercial banks $12,500,000 aggregate principal amount of its 2-year notes on the same terms and subject to the same conditions as heretofore authorized.

Information concerning fees, commissions, and expenses incurred and to be incurred by the applicants-declarants in connection with the proposed transactions will be supplied by amendment. No consent or approval of any State commission or Federal commission, other than this Commission, is required in respect of the proposed transactions, except that approval of the Connecticut Public Utilities Commission may be required in respect of the proposed transfer of real property by CL&P to Rocky River.

The applicants-declarants request that the said joint application-declaration, as heretofore amended and as further amended by the said posteffective amendment, be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

Notice is further given that any interested person may, not later than February 20, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–1450; Filed, Feb. 4, 1969; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 692]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Riverside, in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Buisness Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring January 25 and January 26, 1969.

OFFICE

Small Business Administration Regional Office, 849 South Broadway, Los Angeles, Calif. 90014.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1969.

Dated: January 27, 1969.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 69-1451; Filed, Feb. 4, 1969; 8:46 a.m.]

[Declaration of Disaster Loan Area 693]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the counties of Fresno, Tulare, and Stanislaus, in the State of California;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Buiness Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring from January 21 through January 27, 1969.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, Calif. 94102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1969.

Dated: January 29, 1969.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-1452; Filed, Feb. 4, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 287]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 31, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70911. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Smith Van & Storage Co., Inc., Merced, Calif., of the operating rights in certificate No. MC-9619 issued October 14, 1943, to Wilbur S. Smith and Frances A. Smith, a partnership, doing business as Ben Allen Transfer & Storage Co., Merced, Calif., authorizing the transportation, over irregular routes, of household goods between Merced, Calif., on the one hand, and, on the other, points and places within 15 miles of Merced, Calif. F. E. Braucht, 202-210 Crocker-Citizens Bank Building, Merced, Calif. 95340, attorney for applicants.

No. MC-FC-71045. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Elmer C. Dano, doing business as Dano's Express, Adams Center, N.Y., of certificate of registration No. MC-99890 (Sub-No. 1), issued February 17, 1967, to Louis F. DuFresne, doing business as Dano's Express, Adams Center, N.Y., authorizing transportation in interstate or foreign commerce corresponding to the grant of authority in State Certificate No. 7238, dated December 3, 1956, and reissued November 22, 1966, by the New York Public Service Commission. Conboy, McKay, Bachman, and Kendall, 345 Washington Street, Watertown, N.Y. 13601, attorneys for applicant.

No. MC-FC-71049. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Markham-Turk, Inc., Englewood, N.J., of certificate No. MC-71795, issued January 18, 1966, to Daniel F. Markham, Jr., Catherine Quigley Markham, Administratrix, doing business as Markham & Sons, Englewood, N.J., authorizing the transportation of: Household goods, between points in New Jersey, on the one hand, and, on the other, points in New York. Robert J. Gallagher, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-71050. By order of January 24, 1969, the Motor Carrier Board approved the transfer to McCook Truck Line, Inc., McCook, Nebr., of certificates Nos. MC-1340 and MC-1340 (Sub-No. 1), issued November 19, 1941, and August 31, 1950, respectively, to Joe Trimmer, doing business as McCook Truck Lines, McCook, Nebr., authorizing the transportation of: Catalogs, from McCook, Nebr., to Rexford, Menlo, Gem, Colby, Levant, Brewster, Edson, Goodland, Ruleton, Kanorado,, St. Francis, Wheeler, Bird City, McDonald, Beardsley, Blakeman, Atwood, Ludell, Herndon, Traer, and Cedar Bluffs, Kans. Salt, from Hutchinson and Kanapolis, Kans., to McCook, Orleans, Cambridge, Indianola, and Benkelman, Nebr. Fruits and vegetables, from points in Colorado, to McCook, Nebr. Household goods, between McCook, Nebr., and points in Nebraska within 25 miles of McCook, on the one hand, and, on the other, points in Kansas and Colorado. Petroleum products, in bulk, from refining and distributing points in Kansas, to Auburn, Nebr. Liquid petroleum products, in bulk, in tank trucks, from Sugar Creek, Mo., to Anselmo, Ansley, Arapahoe, Ashland, Benkelman, Broken Bow, Cambridge, Culbertson, Dalton, Exeter, Fairbury, Fairfield, Fremont, Friend, Geneva, Gibbon, Grafton, Gretna, Grand Island, Haigler, Hastings, Hebron, Holdrege, Kearney, Kimball, Lawrence, Lexington, Lincoln, Lodgepole, McCook, Milford, North Platte, Ogallala, Omaha, Oshkosh, Palisade, Paxton, Red Cloud, Scribner, Sidney, Stratton, Sutherland, Sutton, Valley, Wahoo, Wallace, and Wauneta, Nebr.; from Coffeyville, Kans., to Jolley and Lohrville, Iowa; from Coffeyville, Eldorado, McPherson, Arkansas City, Neodesha, and Augusta, Kans., to Malvern, Council Bluffs, Logan, Sioux City, Red Oak, Wesley, Titonka, Corning, Carroll, Bagley, Wall Lake, Manning, Rippey, Dunlap, Mapleton, and Havelock, Iowa; and from Eldorado, McPherson, Arkansas City, Neodesha, and Augusta, Kans., to Jolley, Iowa. Liquid petroleum products, in bulk, from refining and distributing points in Kansas, to Cambridge, Broadwater, Omaha, Scribner, Fairbury, Arapahoe, Chester, Grafton, Geneva, Hastings, Kearney, Lexington, Paxton, Oshkosh, Ansley, Ogallala, Sutton, Exeter, Friend, Milford, Lincoln, Ashland, Gretna, Wahoo, Fremont, Hebron, Deshler, Irvington, Valley, and Morse Bluff, Nebr. Petroleum products, in bulk, from Arkansas City, Kans., to points in Nebraska, over regular routes, serving the intermediate points in Augusta, Wichita, and McPherson, Kans., restricted to pickup only, and Grafton, Sutton, Hastings,

Kearney, Lexington, North Platte, Hershey, Sutherland, Paxton, Sidney, Potter, Kimball, Gibbon, Shelton, Lawrence, Benkelman, Red Cloud, Stratton, Culbertson, McCook, Cambridge, Holdrege, Broken Bow, and Oshkosh, Nebr., restricted to delivery only, and the off-route points of Eldorado, Kans., restricted to pickup only, Gurley and Dalton, Nebr., Wauneta and Palisade, Nebr., and Hayes Center, Nebr., restricted to delivery only; and from Argentine, Kans., to Bushnell, Anselmo, and Fremont, Nebr., over regular routes, serving the intermediate points in Fairfield, Sutton, Grafton, Hastings, Kearney, Lexington, North Platte, Hershey, Sutherland, Paxton, Sidney, Kimball, Grand Island, and Broken Bow, Nebr., restricted to delivery only, and the off-route points in Gurley and Dalton, Nebr., and Lawrence, Nebr., restricted to delivery only. Liquid petroleum products, from Kansas points to points in Nebraska and Iowa, over regular routes, serving the intermediate points of Harlan, Iowa, restricted to delivery only, and Maryville, Mo., restricted to delivery of traffic moving from Eldorado only; and from Portsmouth, Iowa, to junction Iowa Highway 39 and U.S. Highway 30, over a regular route, serving no intermediate points. J. Max Harding, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–71051. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Adams Transfer, Inc., Fargo, N. Dak., of certificate of registration No. MC–120365 (Sub-No. 1), issued September 8, 1964, to Adams, Inc., Fargo, N. Dak., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity No. 86 issued prior to October 15, 1962, as amended September 20, 1963, by the North Dakota Public Service Commission. Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–71064. By order of January 24, 1969, the Motor Carrier Board approved the transfer to Terminal Warehouse Co., Minneapolis, Minn., of certificate in No. MC–47827, issued December 5, 1949, to Donald F. Hanford and Byers G. Hanford, a partnership doing business as Hanford Brothers, Mentor, Minn., authorizing the transportation of general commodities, with the usual exceptions, between Mentor, Minn. and points within 20 miles thereof, on the one hand, and, on the other, Union Stockyards, Fargo and Grand Forks, N. Dak. Will S. Tomljanovich, 2327 Wycliff Street, St. Paul, Minn. 55114, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–1473; Filed, Feb. 4, 1969; 8:47 a.m.]

[Notice 536]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 31, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 111), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed January 23, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood, Pa., over Interstate Highway 70 to junction Interstate Highway 81 near Hagerstown, Md., thence over Interstate Highway 81 to junction U.S. Highway 11 near Middlesex, Pa., thence over U.S. Highway 11 (an access road) to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Breezewood, Pa., over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 230 to Harrisburg, Pa., and return over the same route.

No. MC 4963 (Deviation No. 33), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed January 20, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction U.S. Highway 24, thence over U.S. Highway 24 to Chenoa, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over Ohio Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction unnumbered highway near Gary, Ind., thence over unnumbered highway to junction U.S. Highway 30 near Independence Hill, Ind., thence over U.S. Highway 30 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chenoa, Ill., and return over the same route.

No. MC 11220 (Deviation No. 20), GORDON TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38102, filed January 21, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Minneapolis, Minn., over U.S. Highway 52 to Rochester, Minn., thence over U.S. Highway 63 to Waterloo, Iowa, and (2) from Charles City, Iowa, over U.S. Highway 18 to New Hampton, Iowa, thence over U.S. Highway 63 to Waterloo, Iowa, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Minneapolis, Minn., over Minnesota Highway 55 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to junction U.S. Highway 65, thence over U.S. Highway 65 to Owatonna, Minn., thence over U.S. Highway 218 to Keokuk, Iowa, and return over the same route.

No. MC 45657 (Deviation No. 10), PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo. 63147, filed January 17, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 40 and Illinois Highways 32–33, 1 mile west of Effingham, Ill., over Illinois Highways 32–33 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Illinois Highway 16, thence over Illinois Highway 16 via Charleston, Ill., to Paris, Ill., thence over U.S. Highway 150 to West Terre Haute, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highway 40 and Illinois Highways 32–33 1 mile west of Effingham, Ill., over U.S. Highway 40 to West Terre Haute, Ind., and return over the same route.

No. MC 52743 (Deviation No. 3), MIAMI TRANSPORTATION COMPANY, INC., OF INDIANA, 1220 Harrison Avenue, Cincinnati, Ohio 45214, filed January 22, 1969. Carrier proposes to operate as a *common carrier*, by motor

vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 71 near Walton, Ky., thence over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 31E to Sellersburg, Ind. (also from Louisville over U.S. Highway 31W to Sellersburg), thence over U.S. Highway 31 to Scottsburg, Ind., thence over Indiana Highway 56 to Aurora, Ind. (also from Scottsburg over Indiana Highway 56 to junction Indiana Highway 3, thence over Indiana Highway 3 to junction Indiana Highway 256, thence over Indiana Highway 256 to junction Indiana Highway 56, thence over Indiana Highway 56 to Aurora), thence over U.S. Highway 50 to Cincinnati, Ohio, and return over the same route.

No. MC 106943 (Deviation No. 33), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed January 17, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 90 to junction Interstate Highway 84 at or near Sturbridge, Mass., thence over Interstate Highway 84 to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to junction Interstate Highway 80 at or near Drums, Pa., thence over Interstate Highway 80 to junction the "Appalachian Thruway" (U.S. Highway 220) at or near Bellefonte, Pa., thence over the Appalachian Thruway (U.S. Highway 220) to junction with the Pennsylvania Turnpike (Interstate Highway 76) near Bedford, Pa., thence over Interstate Highway 76 to junction Interstate Highway 70 at or near New Stanton, Pa., thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 42 to Lafayette, Ohio, thence over U.S. Highway 40 via Cambridge, Ohio, to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. 22 to Newark, N.J., thence over U.S. Highway 1 to Boston, Mass., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 505) (Cancels Deviation No. 411), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed January 21, 1969. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 60 and Interstate Highway 64 west of Grayson, Ky., over Interstate Highway 64 to Counts Cross Roads, Ky., (2) from junction Kentucky Highway 32 and U.S. Highway 60, over Kentucky Highway 32 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 60 at the city limits of Lexington, Ky., with the following access routes: (a) From junction Interstate Highway 64 and Kentucky Highway 36 over Kentucky Highway 36 to Owingsville, Ky., (b) from junction Interstate Highway 64 and Kentucky Highway 11 over Kentucky Highway 11 to Mount Sterling, Ky., (c) from junction Interstate Highway 64 and U.S. Highway 227 over U.S. Highway 227 to Winchester, Ky., and (d) from junction Interstate Highway 64 and Kentucky Highway 1678 over Kentucky Highway 1678 to junction U.S. Highway 60, and (3) from junction U.S. Highway 60 and Interstate Highway 64, near Jett, Ky., over Interstate Highway 64 to Louisville, Ky., with the following access routes: (a) From Frankfort, Ky., over U.S. Highway 127 to junction Interstate Highway 64, from Shelbyville, Ky., over Kentucky Highway 53 to junction U.S. Highway 60, (c) from junction Interstate Highway 64 and Kentucky Highway 55 over Kentucky Highway 55 to junction U.S. Highway 60, and (d) from junction Interstate Highway 64 and Kentucky Highway 841 over Kentucky Highway 841 to junction U.S. Highway 60, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Huntington, W. Va., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31W via West Point, Ky., to Tip Top, Ky., thence over U.S. Highway 60 to Henderson, Ky., and return over the same route.

No. MC 1515 (Deviation No. 504) (Cancels Deviation No. 429), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed January 17, 1969. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier,* by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange) over Interstate Highway 5 to junction unnumbered highway (Castle Lake Junction), (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir) over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction), (3) from junction unnumbered highway and Interstate Highway 5 (South Antlers Junction), over Interstate Highway 5 to junction unnumbered highway (North O'Brien Junction), (4) from junction California 273 and Interstate Highway 5 (North Redding Interchange) over Interstate Highway 5 to junction California Highway 273 (South Anderson Interchange), (5) from junction California Highway 273 and Interstate Highway 5 (North Redding Interchange) over Interstate Highway 5 and unnumbered highway to Redding, Calif. (6) from Redding, Calif., over unnumbered highway and Interstate Highway 5 to junction California Highway 273 (South Anderson Interchange), (7) from Anderson, Calif., over Interstate Highway 5 to junction California Highway 273 (South Anderson Interchange),

(8) From junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction) over Interstate Highway 5 to junction unnumbered highway (South Cottonwood Junction), (9) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange) over Interstate Highway 5 to junction unnumbered highway (South Willows Junction), (10) from junction unnumbered highway and Interstate Highway 5 (North Red Bluff Interchange) over Interstate Highway 5 to junction unnumbered highway (South Red Bluff Interchange), (11) from junction unnumbered highway and Interstate Highway 5 (South Red Bluff Interchange) over Interstate Highway 5 to Corning, Calif., (12) from Corning, Calif., over Interstate Highway 5 to Orland, Calif., (13) from Orland, Calif., over Interstate Highway 5 to Willows, Calif., (14) from junction unnumbered Highway and Interstate Highway 5 over Interstate 5 to junction unnumbered highway (Dunnigan Junction), (South Williams Junction), (15) from junction unnumbered highway and Interstate Highway 5 (South Williams Junction), over Interstate Highway 5 Arbuckle, Calif., (16) from junction unnumbered highway and Interstate Highway 5 (South Williams Junction), over Interstate Highway 5 to Dunnigan, Calif., (17) from Arbuckle, Calif., over Interstate Highway 5 to junction unnumbered highway (Dunnigan Junction), (18) from Arbuckle, Calif., over Interstate Highway 5 to Dunnigan, Calif., and (19) from Dunnigan, Calif., over Interstate Highway 5 to junction unnumbered highway (Dunnigan Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows:

From the point where Interstate Highway 5 intersects the Oregon-California State line, over Interstate Highway 5 to junction U.S. Highway 99 (North Hornbrook Junction), thence over U.S. Highway 99 to junction Interstate Highway 5 (South Hornbrook Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Williams Creek Junction), thence over U.S. Highway 99 to junction unnumbered highway (North Mount Shaster Interchange), thence over unnumbered highway to junction Interstate Highway 5 (Castle Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Mott Junction), thence

over U.S. Highway 99 to junction unnumbered highway (Dunsmuir), thence over unnumbered highway to junction Interstate Highway 5 (Castle Crags Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Shotgun Creek Junction), thence over U.S. Highway 99 to junction Interstate Highway 5 (Sacramento River Bridge), thence over Interstate Highway 5 to junction unnumbered highway (South Antlers Junction), thence over unnumbered highway to junction Interstate Highway 5 (North O'Brien Junction), thence over Interstate Highway 5 to junction California Highway 273 (North Redding Interchange), thence over California Highway 273 to junction Interstate Highway 5 (South Anderson Interchange), thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over unnumbered highway to junction Interstate Highway 5 (South Cottonwood Junction), thence over Interstate Highway 5 to junction unnumbered highway (North Red Bluff Interchange), thence over unnumbered highway to junction U.S. Highway 99W (South Willows Junction), thence over U.S. Highway 99W to junction unnumbered highway (South William Junction), thence over unnumbered highway to junction U.S. Highway 99W (Dunnigan Junction), thence over U.S. Highway 99W to junction California Highway 16 (West Woodland), thence over California Highway 16 to junction California Highway 113 (Woodland), thence over California Highway 113 to junction Interstate Highway 80 (South Woodland Junction). (Connects with Oregon route 14).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1474; Filed, Feb. 4, 1969; 8:47 a.m.]

[Notice 1265]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 31, 1969.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 19193 (Sub-No. 10) (Republication), filed August 29, 1968, published FEDERAL REGISTER issue September 19, 1968, and republished this issue. Applicant: LAFFERTY TRUCKING COMPANY, a corporation, 3703 Beale Avenue, Altoona, Pa. 16603. Applicant's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 432, Harrisburg, Pa. 17108. By application filed August 29, 1968, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of (1) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business; (a) between points within a territory bounded by a line beginning at Normalville, Pa., thence extending in a westwardly direction through Connellsville, Pa., to California, Pa., thence in a southwesterly direction through Fredericktown, Pa., to Waynesburg, Pa., thence in a southwardly direction along Pennsylvania Highway 218 to the Pennsylvania-West Virginia State line, thence in a southwardly direction through Grafton, Philippi, Belington, and Elkins, W. Va., thence in a northeasterly direction through Parsons, W. Va., to Thomas, W. Va., thence north to Normalville, including the points named; and,

(b) Between points in the above-specified territory, on the one hand, and, on the other, Hancock, Md., Greensburg and Kane, Pa., and points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction through Moorefield, W. Va., McConnellsburg and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and thence west through Renovo, Emporium, Johnsonburg, and St. Marys, Pa., to Tionesta, including the points named; (2) store fixtures, and store equipment, uncrated, used in the conduct of wholesale, retail, and chain grocery and food business houses, between Youngstown, Ohio, on the one hand, and, on the other points within a territory bounded by a line beginning at Normalville, Pa., thence extending in a westwardly direction through Connellsville, Pa., to California, Pa., thence in a southwesterly direction through Fredericktown, Pa., to Waynesburg, Pa., thence in a southwardly direction along Pennsylvania Highway 218 to the Pennsylvania-West Virginia State line, thence in a southwardly direction through Grafton, Philippi, Belington, and Elkins, W. Va., thence in a northeasterly direction through Parsons, W. Va., to Thomas, W. Va., thence north to Normalville, Pa., including the points names. Restriction: The operations described under the two commodity descriptions above are limited to a transportation service to be performed under a continuing contract, or contracts, with the Great Atlantic & Pacific Tea Co., Inc.

An order of the Commission, Operating Rights Board, dated December 23, 1968, and served January 21, 1969, finds, that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of (1) *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, (a) between points in Fayette, Greene, and Washington Counties, Pa., those in Monongalia, Marion, Taylor, Preston, Barbour, Randolph, and Tucker Counties, W. Va., and those in Garrett County, Md.; (b) between points in the above-specified territory, on the one hand, and, on the other, Hancock, Md., Greensburg and Kane, Pa., and points within the territory bounded by a line beginning at Tionesta, Pa., and extending south through Shippenville, Pa., and Oakland, Md., to Thomas, W. Va., thence in a southeasterly direction to Petersburg, W. Va., thence in a northeasterly direction through Moorefield, W. Va., McConnellsburg and Duncannon, Pa., to Millersburg, Pa., thence in a northwesterly direction to Jersey Shore, Pa., and thence west through Renovo, Emporium, Johnsonburg, and St. Marys, Pa., to Tionesta, including the points named;

(2) *Store fixtures, and store equipment*, uncrated, used in the conduct of wholesale, retail, and chain grocery and food business houses, between Youngstown, Ohio, on the one hand, and, on the other, points within the territory described in (1) (a) above; subject to the restriction that the operations described in (1) and (2) above are limited to a transportation service to be performed under a continuing contract, or contracts, with The Great Atlantic & Pacific Tea Co., Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 21436 (Sub-No. 2) (Republication), filed February 27, 1967, published in FEDERAL REGISTER issue of March 16, 1967, and republished this issue. Applicant: THOMAS F. WELSH, doing business as RELIANCE VAN COMPANY, 146 Crawford Hill, West Conshohocken, Pa. 19004. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. By application filed February 27, 1967 as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign

commerce, as a common carrier, by motor vehicle, over irregular routes of household goods, as defined by the Commission between points in Pennsylvania, New Jersey, and Delaware, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services. A report of the Commission, Review Board No. 1, decided December 23, 1968, served December 31, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Schuylkill, and York Counties, Pa., points in New Castle County, Del., and points in New Jersey, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 71855 (Sub-No. 3) (Republication), filed November 20, 1967, published in the FEDERAL REGISTER issue of December 21, 1967, and republished this issue. Applicant: ESSEX VAN AND STORAGE, INC., 1500 Eastern Avenue, Baltimore, Md. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. By application filed November 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of used household goods, as defined by the Commission, between points in Delaware, Maryland, Virginia, and the District of Columbia, restricted to the transportation of shipments both (1) moving on the through bill of lading of a freight forwarder operating under the exemption provisions of section 402 (b) (2) of the Act, as amended, and (2) having an immediately prior or subsequent out-of-State line haul movement by rail, motor, water, or air. A report of the Commission, Review Board No. 1, decided January 7, 1969, and served January 15, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods*, between points in Delaware, the District of Columbia, points in Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, Md., Baltimore, Md., points in Arlington and Fairfax Counties, Va., and Alexandria and Falls Church, Va., subject to the condition that the authority granted herein duplicates any authority presently held, it shall be construed as conferring a single operating right, restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform the operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125076 (Sub-No. 4) (Republication), filed December 30, 1966, published FEDERAL REGISTER issue January 26, 1967, and republished this issue. Applicant: SUPERIOR BUS SERVICE INCORPORATED, doing business as SUPERIOR BUS SERVICE, 99 Brumbys Road, Knotts Island, N.C. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. By application filed December 30, 1966, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of passengers and their baggage and express and newspapers in the same vehicle with passengers, between Timberville and Fredericksburg, Va.; from Timberville, Va., over Virginia State Highway 260 to junction with U.S. Highway 211, thence over U.S. Highway 211 to junction with U.S. Highway 522, at or near Sperryville, Va., thence over U.S. Highway 522 to junction with Virginia State Highway 3 south of Culpeper, Va., thence over Virginia State Highway 3 to junction Virginia Highway 613, thence over Virginia Highway 613 to junction Virginia State Highway 208 at or near Spotsylvania, Va., thence over Virginia State Highway 208 to its junction with Old U.S. Highway 1 and thence over Old U.S. Highway 1 to Fredericksburg, Va., and return over the same route, serving all intermediate points in West Virginia. An order of the Commission, Operating Rights Board, dated December 30, 1968 and served January 23, 1969, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Timberville, Va., and Luray, Va., from Timberville over Virginia Highway 260 to junction U.S. Highway 211, and thence over U.S. Highway 211 to Luray, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125294 (Sub-No. 3) (Republication), filed June 1, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., 510 Essex Street, Post Office Box 745, Fredericksburg, Va. 22401. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. By application filed June 1, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of household goods as defined by the Commission; (a) between points in the District of Columbia; (b) between points in Virginia within a 100-mile radius of Fredericksburg, Va., including Fredericksburg; (c) between points in Maryland within a 50-mile radius of Lexington Park, Md., including Lexington Park; and (d) between Lexington Park, Md., and the Port of Baltimore, Md., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services

incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. A report of the Commission, Review Board No. 1, decided January 7, 1969, and served January 15, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods;* (1) between Alexandria, Falls Church, Fredericksburg, and Richmond, Va., and points in Albemarle, Arlington, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Hanover, Henrico, King George, Loudoun, Louisa, Madison, Orange, Page, Prince William, Rappahannock, Shennandoah, Spotsylvania, Stafford, and Warren Counties, Va., and points in Calvert, Charles, Prince Georges, and St. Marys Counties, Md., and points in the District of Columbia; and (2) between Lexington Park, Md., on the one hand, and, on the other, Baltimore, Md.; (a) restricted to the transportation of traffic having a prior or subsequent movement by water; and (b) restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized; and (c) further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128153 (Sub-No. 1) (Republication), filed February 26, 1968, published in the FEDERAL REGISTER issue of March 14, 1968, and republished this issue. Applicant: VICTORY VAN CORPORATION, 950 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, 1200 18th Street N.W., Washington, D.C. 20036. By application filed February 26, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of used household goods, as defined by the Commission, between points in the District of Columbia, points in Loudoun, Fairfax, Arlington, Fauquier, Prince William, and Stafford Counties, Va., Alexandria, Fairfax City, and Falls Church, Va., points in Montgomery, Prince Georges, Charles, St. Marys, Anne Arundel, Howard, and Baltimore Counties, Md., and Baltimore, Md., restricted to shipments having a prior or subsequent line-haul movement by rail, motor, water, or air, and moving on through bills of lading of forwarders, operating under section 402(b)(2) exemption. A report of the Commission, Review Board No. 1, decided January 7, 1969, and served January 15, 1969, finds that the present and future public convenience require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods,* between Alexandria and Falls Church, Va., and points in Arlington, Fairfax, Fauquier, Loudoun, and Prince William Counties, Va., points in Montgomery and Prince Georges Counties, Md., and points in the District of Columbia, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it had been so prejudiced.

No. MC 129094 (Republication), filed May 15, 1967, published in FEDERAL REGISTER issue of June 2, 1967, and republished this issue. Applicant: ALLEN'S TRANSFER & STORAGE CO., INC., Maple Avenue, Mount Holly, N.J. 08060. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. By application filed May 15, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of used household goods between points in Cape May, Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, Ocean, Monmouth, Mercer, Middlesex, Somerset, and Hunterdon Counties, N.J., and points in Lancaster, Chester, Montgomery, Philadelphia, Bucks, Berks, Schuylkill, Lehigh, Carbon, Northampton, Monroe, and Luzerne Counties, Pa. Restrictions: (1) To shipments moving on the through bill of lading of a forwarder operating under section 402(b)(2) of the Act; and (2) to shipments having an immediately prior or subsequent line-haul movement by rail, motor, water, or air carrier. A report of the Commission, Review Board No. 1, decided December 23, 1968, served December 31, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods,* between points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, and Somerset Counties, N.J., and points in Bucks, Chester, Montgomery, Philadelphia Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129101 (Republication), filed March 29, 1968, published in the FEDERAL REGISTER issue of April 18, 1968, and republished this issue. Applicant: P. & J. TRUCKING, INCORPORATED, 31 Cooks Drive, Uncasville, Conn. 06382. Applicant's representative: Tobias Naftalin, 1330 Massachusetts Avenue NW., Suite 201, Washington, D.C. 20005. By application filed March 29, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of commodities having an immediate prior or subsequent movement by aircraft moving under an air waybill issued by a certificated air freight forwarder, between Uncasville, Conn., and Bradley International Airport, Windsor Locks, Conn., under a continuing contract with Connecticut Air Freight, Inc. By order of the Commission, dated June 4, 1968, and served June 7, 1968, it was ordered that this proceeding be handled under modified procedure. A report of the Commission,

Operating Rights Board, dated December 31, 1968, and served January 24, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *general commodities,* between the terminal of Connecticut Air Freight, Inc., at Uncasville, Conn., on the one hand, and, on the other, Bradley International Airport, Windsor Locks, Conn., restricted to the transportation of traffic having prior or subsequent movement by air; and limited, to the extent it authorizes the transportation of classes A and B explosives, to a period expiring 5 years from its effective date; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129437 (Republication), filed September 29, 1967, published in the FEDERAL REGISTER issue of October 26, 1967, and republished this issue. Applicant: MONUMENTAL SECURITY STORAGE COMPANY, a corporation, 3006 Druid Park Drive, Baltimore, Md. 21215. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. By application filed September 29, 1967, applicant seeks a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of used household goods, between points in the District of Columbia, Delaware, those in Maryland and Virginia on the Delmarva Peninsula, and points in Baltimore City, and Baltimore, Harford, Caroline, Frederick, Howard, Montgomery, Prince Georges, Charles, Calvert, and Anne Arundel Counties, Md., Arlington, Fairfax, Prince William and Loudoun Counties, Va., and Chester, Lancaster, York, and Adams Counties, Pa., restricted to shipments: (1) Moving on the through bill of lading of a forwarder operating under section 402(b)(2) of the Act; (2) having a prior or subsequent line-haul movement by rail, motor, water, or air carrier; and (3) having a prior or subsequent movement beyond said points in containers. A Report of the Commission, Review Board No. 1 decided January 7, 1969, and served January 15, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods,* between Baltimore, Md., and points in Anne Arundel, Baltimore, Cecil, Harford, Howard, Montgomery, Prince Georges, and Wicomico Counties, Md., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be held for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129535 (Republication), filed November 13, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: COLONIAL STORAGE COMPANY, a corporation, 6025 Kansas Avenue, NW., Washington, D.C. 20011. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. By application filed November 13, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, of used household goods, between points in the District of Columbia, Baltimore City, Md., those in Charles, St. Marys, Calvert, Anne Arundel, Baltimore, Howard, Frederick, Montgomery, and Prince Georges Counties, Md., and those in Arlington, Fairfax, Prince William, Stafford, King George Culpepper, Fauquier, Loudoun, Westmoreland, Northumberland, Richmond, Caroline, Spotsylvania, Orange, Madison, Rappahannock, and Shenandoah Counties, Va., restricted to shipments: (1) Moving on the through bill of lading of a forwarder operating under section 402(b) of the Act, (2) having prior or subsequent line-haul movement by rail, motor, water, or air carrier, and (3) having a prior or subsequent movement beyond said points in containers. A Report of the Commission, Review Board No. 1, decided January 7, 1969, and served January 15, 1969, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *used household goods:*

(1) Between Alexandria and Falls Church, Va., and points in Arlington, Fairfax, Fauquier, Loudoun, Prince William, and Stafford Counties, Va., and points in Montgomery and Prince Georges Counties, Md., and points in the District of Columbia, and (2) between the points designated in (1) above, on the one hand, and, on the other, Baltimore, Md., (a) restricted to the transportation of traffic having a prior or subsequent movement by water, (b) restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and (c) further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133145 (Republication), filed August 30, 1968, published FEDERAL REGISTER issue of September 19, 1968, and republished this issue. Applicant: LUCY PORTANOVA, EXECUTRIX OF THE ESTATE OF DANIEL L. PORTANOVA, doing business as PORTANOVA TRUCKING COMPANY, 32 Westwood Road, Trumbull, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. By application filed August 30, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, of lumber and building materials from points on railroad sidings of The New York, New Haven, and Hartford Railroad Co. in Connecticut, to points in Connecticut, limited to shipments having an immediately prior movement by rail. An order of the Commission, Operating Rights Board, dated December 30, 1968, and served January 23, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting of *lumber and building materials* (except cement in bulk), between points in Connecticut restricted to the transportation of traffic having a prior movement by rail; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it

is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petititon to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 85130 (Sub-No. 5), filed December 18, 1968. Applicant: BRADLEY'S EXPRESS, INCORPORATED, Acheson Drive, Middletown, Conn. 06457. Applicant's representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts. NOTE: (1) The proposed authorities would be tacked with present authorities of the applicant by way of Boston, Mass., as a gateway. (2) Applicant intends to convert its certificate of registration to a Certificate of Public Convenience and Necessity, and (3) This application is a matter directly related to Docket No. MC–F–10354 published in FEDERAL REGISTER issue of January 15, 1969. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Boston, Mass.

No. MC 133395, filed January 2, 1969. Applicant: FEDERAL ARMORED CAR SERVICE INCORPORATED, 210 Baker Street NW., Atlanta, Ga. 30302. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, notes, draft, securities, and other valuable papers,* (except banking papers generally identified as bank cash letters), between Bridgeport, Greenwich, and Stamford, Conn., on the one hand, and, on the other, New York, N.Y., under contract with Federal Reserve System and Banks. NOTE: Applicant states that the purpose of this instant application is to convert its common carrier authority to contract carrier authority to eliminate any question with respect to common control of both common and contract carrier operations prescribed by section 210 of the Act. This application is a matter directly related to Docket No. MC–F–10333, published FEDERAL REGISTER issue of December 18, 1968. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–10377. Authority sought for control by NELSON DISTRIBUTION CORP., 441 Ninth Avenue, New York, N.Y. 10001, of (1) A & B GARMENT DELIVERY, 2645 Nevin Avenue, Los Angeles, Calif. 90011; (2) A & B GARMENT DELIVERY OF SAN FRANCISCO, 1309 Custer Avenue, San Francisco, Calif. 94214; and (3) GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, Calif. 90011, and for acquisition by WILLIAM A. NELSON, JR., also of New York, N.Y., and BENJAMIN ALPERT, 810 Broad Street, Newark, N.J. 07102, of control of A & B GARMENT DELIVERY, A & B GARMENT DELIVERY OF SAN FRANCISCO, and GARMENT CARRIERS, INC., through the acquisition by NELSON DISTRIBUTION CORP. Applicants' attorneys: Bowes and Millner, 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be controlled: (1) Under a certificate of registration in No. MC–98571 Sub-2, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of California; (2) under a certificate of registration in Docket No. MC–99339 Sub-4, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of California; and (3) under a certificate of registration, in Docket No. MC–116877 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of California. NELSON DISTRIBUTION CORP. holds no authority from this Commission. However, it controls CARGO DISTRIBUTION CORPORATION, 441 Ninth Avenue, New York, N.Y. 10001, which is authorized to operate as a *common carrier* in New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b). NOTE: MC–98571 Sub-3, MC–99339 Sub-6, and MC–116877 Sub-2, are matters directly related.

No. MC–F–10378. Authority sought for control by THE BEKINS COMPANY (a holding company), 1335 South Figueroa Street, Los Angeles, Calif. 90015, of BEKINS VAN AND STORAGE, INC., 25 East Mason Street, Santa Barbara, Calif., and for acquisition by MARTIN B. HOLT, Trustee for the Testamentary Trust of H. B. HOLT, IDA RAINY BEKINS HECKER, and MILO W. BEKINS, Executrix and Executor of the Estate of Reed J. Bekins, deceased, MILO W. BEKINS, FLOYD R. BEKINS, and MILO W. BEKINS, Trustees under a Declaration of Trust executed by FLOYD R. BEKINS, Trustor, MILO W. BEKINS and DOROTHY ELOISE BEKINS, Trustees under a Declaration of Trust executed by MILO W. BEKINS, Trustor, IDA RAINY BEKINS HECKER and MILO W. BEKINS, Trustees under a Declaration of Trust executed by REED J. BEKINS (deceased) Trustor, M. B. HOLT, FLOYD R. BEKINS, JR., KATHERINE BE. PALMER, MILO W. BEKINS, JR., all also of San Francisco, Calif., and FLOYD R. BEKINS, 301 Copa De Oro Road, Los Angeles, Calif. 90024, of control of BEKINS VAN AND STORAGE, INC., through the acquisition by THE BEKINS COMPANY. Applicants' attorneys: Vernon V. Baker and Irving J. Raley, both of 1411 K Street NW., Washington, D.C. 20005, and Eldon R. Clawson, 1335 South Figueroa Street, Los Angeles, Calif. 90015. Operating rights sought to be controlled: *General commodities,* except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment, as a *common carrier,* over irregular routes, between points within 30 miles of Santa Barbara, Calif., excepting Santa Barbara and Ventura, Calif.; general commodities, except those of unusual value, classes A and B explosives, livestock, petroleum products in tank trucks, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Santa Barbara, Calif., on the one hand, and, on the other, points within 30 miles of Santa Barbara;

Household goods, as defined by the Commission, between Santa Barbara, Calif., on the one hand, and on the other, points within 30 miles of Santa Barbara, including Santa Barbara, between Santa Barbara, Calif., and points within 30 miles of Santa Barbara, on the one hand, and on the other, points on the Los Angeles, Calif., and the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission; and *christmas trees,* in seasonal operation during the month of December of each year, from Santa Barbara, Calif., to points in Santa Barbara County, Calif., within 15 miles of Santa Barbara, and those in Ventura County, Calif., within 60 miles of Santa Barbara; and *household goods,* as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, and *theatrical and motion-picture equipment,* as a *broker,* over irregular routes, at Santa Barbara, Calif., between points in the United States. THE BEKINS COMPANY holds no authority from this Commission. However, it is affiliated with BEKINS VAN & STORAGE CO., 4118 North Central Avenue, Phoenix, Ariz., 85012, which is authorized to operate as a *common carrier* in Arizona, and as a *broker* between points in the United States; BEKINS MOVING & STORAGE CO., 1335 South Figueroa Street, Los Angeles, Calif., which is authorized to operate as a *common carrier* in California; BEKINS VAN & STORAGE CO. OF HAWAII, INC., 2839 Mokumoa Street, Honolulu, Hawaii 96819, which is authorized to operate as a *common*

carrier in Hawaii; BEKINS VAN & STORAGE CO., 3429 Troost Avenue, Kansas City, Mo., which is authorized to operate as a *common carrier* in Missouri and Kansas, and as a *broker* between points in the United States; BEKINS VAN & STORAGE COMPANY, 5600 North Western Avenue, Post Office Box 9737, Oklahoma City, Okla., which is authorized to operate as a *common carrier* in Oklahoma, and as a *broker* between points in the United States; BEKINS VAN & STORAGE CO., 5342 East Mockingbird Lane, Dallas, Tex., which is authorized to operate at a *common carrier* in Texas, and as a *broker* between points in the United States; BEKINS VAN LINES CO., Office 333 South Center Street, Hillside, Ill., which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii) and the District of Columbia; and BEKINS VAN & STORAGE CO., 1335 South Figueroa Street, Los Angeles, Calif., which is authorized to operate as a *broker* between points in the United States. Application has not been filed for temporary authority under section 210a(b). NOTE: F.D. 25505 is a matter simultaneously filed.

No. MC–F–10379. Authority sought for purchase by GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. 67401, of the operating rights of TRI-STATE TRUCK LINE, INC., 200 South Kansas Avenue, Liberal, Kansas 67901. Applicants' attorney: Edward C. Hastings, 666 Sherman Street, Denver, Colo. 80203. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Liberal, Kans., and Liberal, Kans., between Liberal, Kans., and Guymon, Okla., between Guymon, Okla., and Liberal, Kans., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Kansas, Missouri, Colorado, Nebraska, Wyoming, Iowa, Oklahoma, Texas, New Mexico, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10380. Authority sought for control by TRIMAC TRANSPORTATION LIMITED, 640 12th Avenue, South West, Calgary, Alberta, Canada, of MERCURY TANKLINES LIMITED, 5505 Sixth Street, South East, Calgary, Alberta, Canada, and for acquisition by J. R. McCAIG, 2320 Sunset Avenue, Calgary, Alberta, Canada, R. W. McCAIG, 16 Turnbull Place, Regina, Saskatchewan, Canada, and M. W. McCAIG, Box 5, Rural Route 2, Site 9, Calgary, Alberta, Canada, of control of MERCURY TANKLINES LIMITED, through the acquisition by TRIMAC TRANSPORTATION LIMITED. Applicants' attorney: Ray F. Koby, 314 Montana Building, Post Office Box 2567, Great Falls, Mont. 59401. Operating rights sought to be controlled: *Alcoholic beverages*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from ports of entry on the United States-Canada boundary line located in Montana, North Dakota, and Minnesota, to Baltimore, Md., and Detroit, Mich., between Bardstown, Ky., and El Segundo, Calif., on the one hand, and, on the other, points on the United States-Canada boundary line at or near the ports of entry at Sweetgrass, Mont.; Portal, N. Dak.; Noyes, Minn.; Detroit, Mich.; and Buffalo and Ogdensburg, N.Y., from ports of entry on the United States-Canada boundary line, at or near Detroit, Mich., Buffalo and Ogdensburg, N.Y., and Blaine, Wash., to Owensboro, Ky., and Pekin, Ill., from the ports of entry on the United States-Canada boundary line at or near Sweetgrass, Mont.; Portal, N. Dak.; Noyes, Minn.; and Detroit, Mich., to Cincinnati, Ohio, with restrictions; *wine and wine spirits*, in bulk, in tank vehicles, from Trocha, Calif., to the port of entry on the United States-Canada boundary line at or near Sweetgrass, Mont., with restrictions. TRIMAC TRANSPORTATION LIMITED, holds no authority from this Commission. However, it controls H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue, South East, Calgary, Alberta, Canada, which is authorized to operate as a *common carrier* in North Dakota, Alaska, Washington, Montana, Arizona, Arkansas, Wisconsin, Wyoming, California, Colorado, Illinois, Iowa, Tennessee, Texas, Kansas, Idaho, Kentucky, Louisiana, Utah, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, and South Dakota; and OIL AND INDUSTRY SUPPLIERS, LTD., 955 Maginot Road, St. Boniface, Manitoba, Canada, which is authorized to operate as a *common carrier* in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Utah, Colorado, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, New Mexico, Texas, Oklahoma, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10383. Authority sought for purchase by J. C. D. TRANSPORTATION CORP., 519 Lincoln Bank Building, Syracuse, N.Y. 13202, of the operating rights of G. W. BROWN, DRAYMAN, INC., 520 North Seventh Avenue, Scranton, Pa. 18503, and for acquisition by FOOD HAUL, INC., 888 West Goodale Boulevard, Columbus, Ohio, and, in turn by J. CHARLES DURKIN, also of Syracuse, N.Y., of control of such rights through the purchase. Applicant's attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier*, over irregular routes, between certain specified points in New York, to certain specified points in Pennsylvania, between points in the above territory on the one hand, and, on the other, New York, N.Y., certain specified points in New Jersey, and Philadelphia, Pa.; and *fruits, vegetables, farm products, poultry, and sea food*, in the respective seasons of their productions, from points in New York, New Jersey, and Pennsylvania, to points in the above territory. Vendee is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10384. Authority sought for purchase by B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202, of the operating rights of (1) GEORGE R. HOOK, doing business as G. R. HOOK, Post Office Box 78, Grayville, Ill. 62844; and (2) LLOYD ARNETT, doing business as ARNETT TRUCKING COMPANY, Post Office Box 111, Fairfield, Ill. 62837. Applicants' attorney and representative: Jerry Prestridge and Richard Kissinger, both of Post Office Box 1148, Austin, Tex. 78767. Operating rights sought to be transferred: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof, except the stringing or picking-up of pipe in connection with main pipelines, as a common carrier, over irregular routes, between St. Louis, Mo., and points in Indiana, Illinois, and Kentucky; and *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Missouri and that part of Kansas on and south of U.S. Highway 54, on the one hand, and, on the other, points in Oklahoma; and (2) *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the delivery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Illinois, Indiana, Kentucky, and Missouri. Vendee is authorized to operate as a *common carrier* in Texas, Louisiana, Oklahoma, New Mexico, Kansas, Colorado, Wyoming, Utah, Montana, Arizona, North Dakota, South Dakota, Nerbaska, Nevada, Arkansas, and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10385. Authority sought for purchase by BEAUFORT TRANSFER COMPANY, Post Office Box 102, Gerald, Mo. 63037, of a portion of the operating rights of T.I.M.E.–DC INC., Post Office Box 1120, Lubbock, Tex. 79408, and for acquisition by OLIN R. FLOTTMANN, Gerald, Mo., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 1341 G. Street, NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, as a *common carrier*, over regular routes, between Kansas City, Mo.,

and Harrison, Ark., serving all intermediate points but with no service between Kansas City and Harrison, between Seneca, Mo., and junction U.S. Highway 60 and U.S. Highway 66 near Afton, Okla., between Lanagan, Mo., and junction U.S. Highway 71 and Arkansas Highway 12, serving all intermediate points, between Kansas City, Mo., and Rogers, Ark., serving all intermediate points, except that on U.S. Highway 60 between junction Alternate U.S. Highway 71 approximately 4 miles east of Neosho and junction with U.S. Highway 71 approximately 1 mile west of Neosho, service is authorized to or from Neosho only, between St. Louis, Mo., and Tulsa, Okla., serving all intermediate points except those on U.S. Highway 66 between Springfield, Mo., and junction U.S. Highway 66 and unnumbered highway approximately 4 miles west of Springfield but with no service between St. Louis and Tulsa, between Noel, Mo., and South West City, Mo., serving no intermediate points, between Joplin, Mo., and Seneca, Mo., serving no intermediate points and serving the junction of U.S. Highway 166 with the Kansas-Missouri State line (approximately 4.5 miles from Joplin, Mo.), as an off-route point; *general commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, over irregular routes, between junction U.S. Highway 66, and Missouri Highway 17, and Fort Leonard A. Wood, Mo., and points within 4 miles of Fort Leonard A. Wood. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Tennessee, Kentucky, Alabama, Mississippi, Louisiana, Texas, Wisconsin, Georgia, Minnesota, Colorado, and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: MC-35320 Sub-105 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC-F-10381. Authority sought for purchase by LAKE SHORE SYSTEM, INC., 714 East Broad Street, Columbus, Ohio 43215, of a portion of the operating rights of GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113, and for acquisition by OHIO RAPID TRANSIT, INC., and, in turn by R. S. THOMASSON, both also of 714 East Broad Street, Columbus, Ohio, of control of such rights through the purchase. Applicants' attorneys and representatives: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215, Barrett Elkins, 1400 West Third Street, Cleveland, Ohio 44113, and R. S. Thomasson, 714 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Columbus, Ohio, and the junction of U.S. Highways 22 and 30, approximately 14 miles west of Pittsburgh, Pa., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-1515 Sub-128 is a matter directly related.

No. MC-F-10382. Authority sought for control and merger by THE COMMUNITY TRACTION COMPANY, 1127 West Central Avenue, Toledo, Ohio 43601, of the operating rights and property of THE MAUMEE VALLEY TRANSPORTATION COMPANY, 1127 West Central Avenue, Toledo, Ohio 43601, and for acquisition by CITIES SERVICE FOUNDATION, 70 Pine Street, New York, N.Y. 10005, of such rights and property through the transaction. Applicants' representative: W. Wallace Brown, 1127 West Central Avenue, Toledo, Ohio 43601. Operating rights sought to be controlled and merged: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, as a *common carrier*, over irregular routes, from certain specified points in Ohio, to points in the Southern Peninsula of Michigan, certain specified points in Illinois, points in Indiana, except those in that part lying west of U.S. Highway 41 and south of U.S. Highway 50, but including those on the said highways; points in that part of Pennsylvania on and west of U.S. Highway 219; certain specified points in New York; and points in Ohio, and return. THE COMMUNITY TRACTION COMPANY is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, Pennsylvania, New York, and Michigan. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1475; Filed, Feb. 4, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 31, 1969.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2195, filed November 15, 1968. Applicant: BASSE TRUCK LINES, INC., 3410 Belgium Lane, San Antonio, Tex. Applicant's representative: Walter Dean Hester, 202 Perry-Brooks Building, Austin, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* over regular routes, from San Antonio, Tex. over U.S. Highway 90 to Uvalde, and return to San Antonio over the same route; from San Antonio over U.S. Highway 90 to Uvalde, thence over U.S. Highway 83 (via La Pryor) and Texas Highway 57 to Eagle Pass, return to San Antonio over the same route; from San Antonio over U.S. Highway 90 to Comstock and Sanderson, thence over U.S. Highway 285 to Fort Stockton, thence over U.S. Highway 290 and U.S. Highway 67 to Alpine; from Alpine over U.S. Highway 290 to Marfa, thence over U.S. Highway 67 to Presidio, return to Alpine over the same route; from Alpine over U.S. Highway 90 to Marathon, return to Alpine over the same route; from Alpine via U.S. Highway 67 and U.S. Highway 290 to Fort Stockton, thence over U.S. Highway 285 to Sanderson and over U.S. Highway 90 to Comstock and finally to San Antonio. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4427 (Sub-No. 2), filed January 9, 1969. Applicant: COVINGTON TRUCKING COMPANY, INC., Covington, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, except household goods, commodities in bulk, and those which because of size or weight require special equipment, between Memphis and Brownsville, Tenn., via U.S. Highway 70, serving all intermediate points, except those in Shelby County, said authority to be used in conjunction with all of applicant's existing authority. Both intrastate and interstate authority sought.

HEARING: Thursday, March 20, 1969, at 9:30 a.m., Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-1476; Filed, Feb. 4, 1969; 8:48 a.m.]

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